

UNITED STATES ARMY CORPS OF ENGINEERS  
AHMANSON RANCH PROJECT PUBLIC HEARING

REPORTER'S TRANSCRIPT  
OF  
CITY COUNCIL MEETING

SATURDAY, FEBRUARY 26, 2000

AGOURA HILLS, CALABASAS COMMUNITY CENTER  
27040 Malibu Hills Road  
Agoura Hills, California

## APPEARANCES:

COLONEL JOHN P. CARROLL, District Engineer, Corps of Engineers  
DAVID J. CASTANON, Supervisory Ecologist, Chief, North Coast Section  
RICHARD SCHUBEL, Chief, Regulatory Branch

## LIST OF SPEAKERS IN ORDER AS FOLLOWS:

1. BRAD SHERMAN, Member, House of Representatives
2. SHEILA KUEHL, Member, California State Assembly
3. ZEV YAROSLAVSKY, Supervisor, Los Angeles County
4. FRAN PAVLEY, Member, California Coastal Commission
5. ALLEN M. LAWRENCE, Member, California Transportation Commission
6. SANDY BROWN, Representing State Senator Tom Hayden
7. DENNIS WASHBURN, Mayor pro tem, City of Calabasas
8. JANICE LEE, Councilperson, City of Calabasas
9. LESLEY DEVINE, Councilperson, City of Calabasas
10. JAMES BOZAJIAN, Councilperson, City of Calabasas
11. DAVE BROWN, City Planner, City of Calabasas
12. KATHERINE STONE, Attorney-at-Law
13. JONATHAN BASKIN, PhD., Professor of Biology, Cal Poly University, Pomona
14. THOMAS R. HAGLUND, PhD., San Marino Environmental Associates
15. LOUISE RISHOFF, Mayor, City of Agoura Hills
16. JEFF REINHARDT, Southern California Association of Transportation Communications Committee
17. DEANE LEAVENWORTH, Representing Laura Chick, Third Council District
18. MELANIE BECK, Outdoor Recreation Planner, National Park Service
19. RICK FARRIS, Biologist, U.S. Fish and Wildlife Service
20. TIMOTHY VENDLINSKI, U.S. Environmental Protection Agency
21. ROSI DAGIT, Resource Conservation District of the Santa Monica Mountains
22. SEAN MANION, Resource Conservation District of the Santa Monica Mountains
23. RUSS DINGMAN, Park Planner, California State Parks
24. MARK GOLD, Executive Director, Heal the Bay
25. HUGH CLABAUGH, Principal Engineer, Ventura County Public Works Agency
26. DAN C. HOLLAND, Heal the Bay
27. JAN CHATTEN-BROWN, Attorney, Heal the Bay
28. LENORA KIRBY, Las Virgenes Institute for Resource Management
29. STEVE FLEISCHLI, Executive Director, Santa Monica Baykeepers
30. "MR. SWIFT"
31. RAY PEARL, Building Industry Association
32. GORDON MORLEY, President, Woodland Hills Homeowners' Organization/San Fernando Valley Federation
33. ANDREW WETZLER, Project Attorney, Natural Resources Defense Council
34. GEORGE METZGER, President, Stone Creek Homeowners' Association
35. PATRICK G. KOGAN, Member, Board of Directors, Malibu Surfing Association
36. DORIAN KEYSER, Vice President, Santa Susana Mountain Park Association
37. MARGOT FEUER, Save Open Space
38. DANIEL R. GONZALEZ, Ventura County Mexican-American Bar Association
39. LINDA PARKS, Councilperson, City of Thousand Oaks
40. CAROLYN CASAVAN, Co-Chair of Environment & Water Committee, Valley Industry and Commerce Association
41. PENNY BOEHM, President, Ventura County Economic Development Association
42. JESS THOMAS, President, Las Virgenes Homeowners' Federation
43. DAN SILVER, Endangered Habitats League

44. SUSAN SUNTREE, Wetlands Action Network
45. MARY ALTMAN, President, SEE, Save Ahmanson Ranch
46. KIRI VAN SANTON, Roots and Shoots
47. ED BEGLEY JR.
48. STEVEN WESTIN, Attorney for Ahmanson Ranch
49. JIM EDMONDSON, Southern California Steelhead Recovery Coalition
50. VICTORIA WIKLE
51. MARILYN STOUT
52. RICHARD AMBROSE
53. PETER HAYDEN, Kleinfelder, Inc., Consultant to Ahmanson Land Company
54. HEATHER BALSAVAGE, President, Environmental Awareness Club at El Camino Real High School
55. KEN WIKLE, Cold Creek Community Council
56. JODY HAYES, President, Save the Conejo 2000
57. JOSEPH BEHAR, President, West Valley Community Coalition
58. CINDY BOND, West Valley Coalition to Stop Ahmanson
59. DAVE VENTENBURG
60. LINDEN ASHBey, on behalf of Ted Rosenquist
61. EVE WAGNER
62. ERIC PONTOPPIDAN
63. PAUL WAGNER
64. AMADEO CURCIO
65. BOB VITAMANTE
66. MARK BURLEY
67. MEGAN HARRIS, Speaking on behalf of Stephanie Brail
68. SUE BOECKER
69. NICK TAQUIRE, Executive Director of Concerned Citizens of Thousand Oaks
70. SUSAN NELSON, President of Friends for the Santa Monica Park and Seashore
71. FRANCIS COLETTE
72. NANCY KAMALI
73. SUE MOWER
74. MS. SHARMAIN, Member, El Camino Environmental Fund
75. DEBBIE O'HARA
76. NORM SIMON
77. MARY WARDEN
78. DAN LARSON
79. HAL HELSEY
80. DON WALLACE, Former Chairman of the Rocketdyne Clean-up Coalition
81. DR. KINSON
82. CAROLYN LEAVEN

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## EXHIBITS

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BRAD SHERMAN	CHART
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LOUISE RISHOFF	LETTER
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DON WALLACE	VIDEOTAPES

AGOURA HILLS, CALIFORNIA, SATURDAY, FEBRUARY 26, 2000

10:10 O'CLOCK A.M.

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COLONEL CARROLL: Good morning. My name is Colonel John Carroll. I'm the Los Angeles District Engineer for the U.S. Army Corps of Engineers.

I would like to welcome you here this morning for a public meeting. Perhaps based upon the first comment there, let me say I very much see my role to be the honest broker in this question. I'm such a nice guy I let my lawyer have the morning off.

We are conducting this public hearing this morning to receive your comments regarding the proposed Ahmanson Development Ranch Project. The purpose of this hearing is to acquire information or evidence that will be used in our consideration of this proposed permit action. Comments and correspondence pertaining to the proposed action received by my regulatory personnel will also be entered into the public record and will be made available for public inspection with the exception of material exempt from disclosure under the Freedom of Information Act.

At the entrance of this hearing room you may have picked up a copy of the hearing's agenda, copies of the Public Notices issued by my Regulatory Branch for this project and a card on which you may indicate your intent to provide oral comments as well as provide brief written comments in addition, as well as to your name, address and affiliation and if you wish to be placed on our mailing list for this project.

Let me emphasize that we will use all the time available for comments to be made but every verbal comment and every written comment goes into the public record for consideration in the process of us analyzing this permit request. So if you don't have a chance or you're not comfortable speaking, put your question in writing. If you need help in expressing what it is that you want to say in a written question, please get with one of us after the meeting and we'll help you formulate your question, get it down, and we'll take it with us.

As stated in the Agenda, the Ahmanson Land Company will provide a brief description of the project as it stands today including modifications they have determined to be appropriate in light of the recent discovery of sensitive species in the project area. Following this presentation we will hear comments from elected officials, agency representatives, representatives of organizations and the public at large, in that order.

Through the anticipated large number of persons wishing to provide oral comments, we request that members of the organizations limit themselves to a designated speaker in order to allow more unaffiliated persons the opportunity to speak.

Furthermore, in order to accommodate more speakers, we will limit elected officials to five minutes to provide their statements, three minutes for governmental agencies and non-governmental organizations, and up to three minutes for individuals.

We have a little timer we're going to use and we'll give you a sign when you've got 30 seconds left. I intend to enforce that so we get as much opportunity for people to speak as possible. If you're not finished making an oral statement and you run out of time, please commit it to writing and it will go into the record.

We also request that speakers be brief and not repeat comments made earlier by others. If you're not able to provide your comments in the time allotted for this hearing, you may provide them in writing to my staff at the address at the bottom of the Agenda or on the Public Notices. In addition, and again because of the large number of potential commenters, we will not be able to entertain rebuttals at this hearing. However rebuttal comments may be provided here if time allows or in writing and provided to my staff.

You're oral comments will be transcribed verbatim by a court reporter for inclusion in the public record. Copies of the transcript may be purchased from the reporter. A copy will also be available for public inspection at the Ventura Regulatory Field Office. My staff will also receive written comments on this project for at least ten days following the hearing. Also, we have limits on the number of persons that may remain in the room. Thank you for your cooperation.

Due to the Fire Code restrictions, if you cannot find a chair to sit in, you must wait outside until someone leaves this room. Persons waiting to enter will be allowed in as others leave. Therefore, in consideration of those waiting outside, please consider leaving after you have made your comments or after you have heard enough. Also, note that rest rooms are located in the main hallway near the main entrance to the Community Center. However, if there is a line of persons waiting to enter and you go out to the bathroom, you may not be able to re-enter because we're going to give your seat away.

My staff will call several of your names at one time in order to facilitate more speakers in the limited time available. When you come to the microphone, please state clearly your name and affiliation prior to beginning your statement.

At this time I would like the opportunity to introduce Congressman Brad Sherman.

CONGRESSMAN SHERMAN: Thank you. Never in history has anyone imagined the red-legged frog would be this popular. Colonel, I want to thank you for the time you've put into this project, not only for coming here today but for our many meetings, for the work of your staff. I want to thank you for a couple of assurances you gave me at our last meeting. One of those is that we're having this meeting here and when we called it. We expected that there would be a new complete permit application on file so that everyone coming to this meeting would know exactly what the development entailed. In fact, the revised permit application is not on file and I'm going to be listening very carefully to the presentation of the developer. That will be the first time that many of us know how this project is supposed to go forward. So, Colonel, I want to thank you for agreeing to do another public hearing after we get the complete public the complete permit application. I know how much you'll enjoy your visit to Las Virgenes here today and we hope to make it even more fun when you return.

The second is a kind of a Catch 22 situation we have where the spineflower has not been designated yet as being endangered because it was listed as extinct. There is no greater sign that you are in bad health than that they have already signed your death certificate. And yet as a technical matter, the spineflower is not on the endangered species list and I want to thank the Colonel for getting input, if I phrase this right, from the Fish and Wildlife Service and going forward with any permit only giving due consideration to the spineflower whether or not the Fish and Wildlife Service is able to designate it as extinct. At the same time, of course, we're trying to get the service to move as quickly as possible so that all the Is will be dotted and the Ts will be crossed.

I want to thank everyone for coming here today and I especially want to thank my fellow elected and appointed officials who are here: Zev Yaroslavsky; a woman who has devoted a tremendous effort in trying to preserve our environment in this area, Sheila Kuehl; representing the Coastal Commission and the city of which she was a former mayor, Fran Pavley; Linda Parks from the City Council of Thousand Oaks; the entire City Council of the City of Calabasas, Lesley Devine, Janice Lee, James Bozajian, Dennis Washburn; from the city of Agoura Hills, Mayor Louise Rishoff and Councilmember Jeff Reinhardt.

Representing the California Transportation Commission its newest member, Allen Lawrence. A gentleman who I think is on several commissions or should be, Ed Begley, Jr. I want to thank the organizations that have put their time and effort into this: Heal the Bay, which has recognized that this is not just Inland, Las Virgenes Valley Project has substantial impact all the way downstream to the Santa Monica Bay; the Sierra Club; SOS; the National Resources Defense Council; Las Virgenes Homeowners Federation and all its constituent organizations; and West Valley Community Coalition. I want to thank the Agoura Hills Calabasas Community Center for hosting this event.

This is a neutral hearing. I see that one side has put up signs. I know that the other side also has easels and could have put up signs. I believe there is a temporary ATM in the hallway. One gentleman that couldn't be here was Reuben Martinez who is the biologist hired by Ahmanson that discovered the red-legged frog on the property and who concluded that the red-legged frog could not survive if this project goes forward unless he substantially reduces his handicap. Thank you.

COLONEL CARROLL: The next part of our public meeting will be presentation by the applicant. While we're getting the lights turned down so you can see, I will remind you that should we have enough time for rebuttals, we will take rebuttals. We'll make that decision when we get towards the time allotted, 1:00 o'clock. And if not, I encourage you to submit those in writing. I'm going to invite you to begin.

MR. GNIADEK: Thank you very much. My name is Guy Gniadek and I'm the vice president for the Ahmanson Land Company. I've been involved with this project for a number of years. What I would like to do at this time is to provide an overview of the project, talk a little bit about the current issues and the current project status to help give sort of a framework for people to talk about the project today.

Before we get into the details of the project itself, what I would like to do is just talk a little bit about why we think the Ahmanson Project is a good project. Most important it is very much a pedestrian-oriented community. It's won numerous awards including the American Planning Association Comprehensive Planning Award and it has been responsible for unprecedented environmental commitments including open space dedications, natural resource, conservation and protection of the Malibu Creek watershed. Which for the purpose of a lot of people here, it is very important as it is to us that people understand the amount of water and the quality of water that leaves the ranch will be the same when the project is completed as it is today.

To help understand where the project is, we're right here (indicating) and we're about 25 miles from downtown Los Angeles as well as 25 miles from the County of Ventura in the southerly and westerly borders of the ranch, which actually makes up the county line. The community setting for the project includes the surrounding communities of Hidden Hills, the County of Los Angeles, the City of Los Angeles, Bell Canyon to the north of the project, with the three canyons to the west forming a 7000-acre part which is a very large habitat area which two of those parcels are associated with the Ahmanson Ranch Project.

The important understanding that I would also like to add as with the earlier slide as with this is that regional growth is a big issue. There are expected to be 20 million people moving to California within the next 15 to 20 years that in this area alone, the Los Angeles region about 6 million people will be added. I

went out in the last couple of weeks and looked at the Conejo Valley to see what's going on in terms of growth. They are right now in a position where within 18 months 1.5 million square feet of new office space will be constructed which will require about 7,500 houses in order to respond to that growth. That's without taking into consideration that Warner Center is expected to double in size over the next 20 years.

As it relates to the project specifically, we've been working on this for a number of years. I first became involved with it in 1986 and then we made an original submittal in 1987 to the County of Ventura. That project was significantly reduced over the following years except that the amount of open space associated with the project was significantly increased and at the same time the project itself was reduced to where it would only 400,000 square feet of office.

Then in 1992 the project was approved. The EIR was certified and then one of the most important overwriting considerations was the transfer of open space. That was completed in 1998 in the specific plan for the project as well as the development agreement are now operative and the project is now in a position for moving forward. The current status is we have submitted our Phase A Tract Map to the County of Ventura for the southeastern corner of the project.

Once again, one of the most important open space aspects of the project is the 10,000 acres that has been placed into public ownership. The first two properties, the Jordan Ranch and Liberty Canyon were purchased with public funds of \$26.7 million dollars and comprise about 2,600 acres. The next two properties on this list, Corral Canyon and Runkle Ranch was purchased by Ahmanson for \$30 million dollars and was dedicated for open space. Half of the Ahmanson was also given to the Mountain Recreation Conservation Authority. Again, that's something that is unprecedented. When we add in the other open space that we're going to look at, it puts approximately 90 percent of the area associated with this project area in open space. Part of the importance of that is there are critical wildlife corridors. We have worked with various agencies over the years. Those would remain intact. I think it's also important to note that 1,000 acres of that land is in Los Angeles County. The properties include Jordan Ranch with the China Flat area. They include Liberty Canyon, a very important wildlife corridor connection at the Ventura Freeway. The Corral Canyon, 300 acres down at the Pacific Ocean and the Runkle Ranch which is in Simi Valley and Los Angeles County north of the 118 which helps connect the Santa Susana Mountains to the Santa Monica Mountains down to the ocean. And then the Ahmanson Ranch open space that has approximately nine miles of trails already existing within it.

The project itself, again, uses a lot of the town planning and livable community design techniques that are talked about quite a bit now. It incorporates a plan which allows 70 percent of the residential to be within a ten minute walk of the Village Center and it's also designed as a result of evaluating all the environmental characteristics of the property to minimize the impact on the land. The other components of it include the residential communities, 3,000 homes, 674 which would be affordable housing. That would be large-lot housing to apartments. The affordable housing component has everything from SRO units to county-wide affordable to four-bedroom town homes. Attendant to that is the Village Center. The Village Center for the project is with 400,000 square feet of retail with office and retail combined, a 300-room lodge. Attendant to that are the community facilities that would work with this project which include all of these facilities that you see being provided as well as the school facilities, elementary schools and a K-through-eight school. In addition to that, there is a very important recreation and open space program that relates to the specific plan area itself and it includes golf, parks, 20-acre community park and four- or five-acre parks, as well as a trail system which includes 50 acres of multipurpose trails within the project area as well as five additional miles of hiking and equestrian trails surrounding and moving through the project.

The economic benefits of a project like this are significant that it will generate about 500 jobs during its construction period, 17,000 permanent jobs and then it would be approximately \$30 to \$35 million dollars in sales tax revenue that would flow to Ventura and Los Angeles Counties. At the end of the project there



would be a county surplus to Ventura of about \$4 to \$5 million dollars per year and we've done secondary spending studies that show about \$1 million dollars in sales tax going to Los Angeles County.

One of the most important components of keeping the plan constructed and moving forward the way we designed it is the Resource Management Program. And the most significant program of that is the Resource Management Plan. This is something that was required by the Development Agreement and the Specific Plan and it is something we've provided as a very important part of moving the project forward. These nine different programs are all within the approved plan. This plan has just been submitted to the County of Ventura and it actually represents about \$7 million dollars of additional mitigation measures for the project. One of the most important components is the Las Virgenes Institute. It was established a year ago and it has been integral to the development of the Resource Management Plan and it also provides for an arms-length, non-profit view of how the project moves forward. The board was named just recently and it includes various members from the environmental community.

Water Management, again, it's something that we've been working on very, very closely with the various agencies. I think it's important to note that the Los Angeles County standards for water quality assurance that have just been adopted were in place in 1992 in Ventura County when this project was formed.

We've been working very closely with the various agencies to provide assurances that both the red-legged frog will not be impacted, and as stated in the original project, that the tidewater and steelhead trout will not be affected by this project. There is an on-site water recycling plant that would take care of all of the irrigation needs for the golf and there is also adequate water supply for the ranch itself with the conservation measures representing about a 40 percent reduction in portable water use from the typical suburban communities. Of course the Wetlands Mitigation Program is an important reason why we're here today. This is a jurisdictional water map that was important in designing the project in integrating it into the actual footprint of where the project would occur and that is also within the Resource Management Plan for the project.

With moving forward with Phase A, we were required as a part of our EIR to do subsequent surveys of the property. We looked for ants, raptors, a large list of different plant species. Then in the course of doing that we were able to identify two different species which were thought not to be on the ranch. Those included the San Fernando Valley spineflower as well as the California red-legged frog. We've been very proactive in providing information to the various agencies about these issues and we're continuing to work forward with them and we hope to come up with a good long-term management plan both for the species on the ranch itself as well as off project in other areas in order to establish other habitats for both of those species.

The current status of the project is that we do have our application pending in Ventura County. We hope to have that application deemed complete within the next month or so. We would then continue processing through an environmental review process for the balance of this year. The Oak Tree permit which is an important permit for us is the Los Angeles County line within the County of Los Angeles. That hearing is going to be March 29th. And of course the 404 wetlands permit which this is a part of that process we're here today to talk about.

The wetlands permit as it stands right now is that the original permit reflected about an impact of 7.5 acres to the waters of the United States. As a result of the adjustments for the red-legged frogs, that's now been reduced to 4.5 acres. The open space areas as well as the remainder of the specific plan represent about another 80 acres of wetlands. That would be permanently preserved and we would go through an enhancement program of eight more acres.

Again, the Ahmanson Ranch, it has been a long process but I think we're trying to recognize how growth is going to be accommodated in the subregion, the fact that it has 90 percent open space is unprecedented of any project in the United States and we feel very strongly that it weighs heavily to how we should move

forward. The project has been looked upon favorably by a number of different groups and at the same time we think that we've gone through a very detailed process with a number of agencies including the U.S. Army Corps of Engineers as well as Ventura County. We feel we've hired the best consultants that we can to bring this project forward. From an architectural and planning perspective, it meets all the guidelines of how livable communities should be accommodated in Southern California. I'm hopeful as the project is implemented that it continues to meet all the goals it has set out for itself. Thank you very much.

COLONEL CARROLL: We're going through the cards that were turned in trying to group those into like organizations. In order to make sure we capture at least one representative of each organization, we ask that you identify your chief spokesman if you have more than one so that person can make their comments.

We want to make sure we capture all the groups to allow them to do so. At this point we will start through the elected representatives for their comments. And I invite each of you to the podium microphone for that. Please remember the time limitations so that we can get everybody in. First up, I think, is Congressman Sherman.

CONGRESSMAN SHERMAN: I want to respond to the presentation of the project by saying that we need to see a complete application and ultimately we're going to need a complete EIS in order to evaluate this project. I think we should thank Washington Mutual for the land they've donated. Some of it was acquired by public cost but some not at public cost. We should remember that's a decision they made. They knew that those donations were irrevocable. And large corporations make donations through the country from time to time which communities are appreciative but it is not legally relevant in the decisions that the Corps is supposed to make. Those decisions are going to be affected by the huge area of grading.

Susan, do we have the chart? If we could, put that up.

Now, this project does have both office space and homes but it is highly unlikely that the people who live there are going to work on-site. And that's why this project will generate 45,000 vehicle trips every day. I believe that the developer has basically admitted that the materials submitted up until now do not reflect how this project is going to be finally configured or how it will deal with the four major environmental species concerns. Those include the spineflower, the red-legged frog, as well as the downstream concerns for the tidewater goby and the steelhead trout. Now, they did file a tract map. That tract map pretty well indicates some of the basics. If you can see this chart here (indicating), and perhaps Susan could even hold it up. Without objection I would like to make a copy of that chart as part of the records for these proceedings. (The chart referred to was identified for purposes of the record in this public proceeding).

You can see that whole yellow area will be graded and you can imagine the impact that it is going to have on the creek and on the Santa Monica Bay. But the basic theme is this. Scrape up the land where the spineflower grows and dump the dirt on the frogs. This is not what the environmental acts that Congress passed had in mind. I don't want to overstate that. It does overstate it a bit. The plan is to scrape up the dirt in 12 of the 14 locations on the entire planet where the flower has been found and dump that dirt 30 feet away from the frog. That I don't think is a good plan to preserve an endangered species.

Now, I would like to focus on why we need a complete environmental impact statement, not just a complete application followed by another public hearing. It is just as important that that statement not be too narrowly construed, should not focus exclusively on the wetlands but instead focus on the surrounding territories including where the spineflower grows. One issue that is at the heart of this is whether this permit is just a trivial side to the project or whether it goes to the Corps, whether the project will go forward to put in the language of the regulation or whether or not the regulated activity comprises a mere link of a corridor type.

I would simply submit that the gentlemen from Washington Mutual are here because they know this permit is integral to this project going forward. If they had an economically viable plan that didn't require this permit, they'd be carrying that plan out. They are not here for their own edification and recreation. They are here because they need this permit because it's at the core of whether this project goes forward. I would cite for the record, the Colorado River Tribes case, the Alpine Lakes Protection Society Case and the Morgan versus Walter case which illustrates a situation like this.

COLONEL CARROLL: You need to sum up.

CONGRESSMAN SHERMAN: Thank you. That in the cases that the courts have looked at, a permit of this type is integral and the EIS should look at the effects of the entire project.

Finally, and I've talked frankly to people at the Army Corps about this. You have you a tough job. In most parts of the country there is tremendous public pressure, perhaps a room full of 500 people in New Mexico or Arizona urging the Army Corps of Engineers not to fully enforce the acts that you are in charge of enforcing because in other places these environmental laws are not popular. But here in Las Virgenes, you have public support for the full enforcement of environmental protection as Congress originally provided. Thank you.

COLONEL CARROLL: I want to please ask you that the time you spend applauding is time taken away from people making comments. I think the Congressman could have finished on time if you wouldn't have interrupted him with your applause. So please restrain yourselves and we'll get more people up to the podium who, if I read the crowd right, have something to say, that is, words instead of applause. I read the applause. I see how widespread it is. I don't really need to hear it again to get an impact.

MR. SCHUBEL: Assemblywoman Sheila Kuehl.

MS. KUEHL: Thank you very much. I'm State Assembly Member, Sheila Kuehl. I represent the 41st Assembly District which is this entire portion in the valley of Los Angeles County. I want to underscore and extend some of the comments of Congressman Sherman.

I am not in favor of this project and I am asking, Colonel, that the Army Corps of Engineers conduct a full environmental impact study on the pending 404 permit application. And in addition, too, in the scope of the environmental impact study, consider all of the impacts of the project both on-site and off-site. I believe that the law not only permits but demands that the review, the scope of this review be expanded for the whole project because if for no other reason, the grading activity that the permit would allow is key to allowing the entire project to go on. Therefore, the impact of the area under your jurisdiction and the ripple effect of the granting of the permit opens the floodgates to this entire project without knowing or understanding the threats to public health, the impact on resources, not to mention the fact that it would ensure that the public is kept closely involved in every step of the project.

Congressmember Sherman began to articulate, I believe, the legal authority for this and I want to underscore and go a little further. It is the duty of the Army Corps of Engineers in deciding whether or not to conduct the full environmental impact study to make certain that they have under the law sufficient control and responsibility over this project in trying to figure out whether to do this and I believe that they must consider and you must consider the secondary impacts of the Section 404 permit in deciding whether

or not to grant it. Because under law it extends to non-federal actions undertaken exclusively by private parties such as we have here. The federal action, the granting of the permit, is so interrelated as to constitute a link in the same bit of chain in the words of court. Other cases have held that an EIS had to be prepared before a 404 permit could be issued because of the possibility of impact to the species endangered or even candidate species. I've brought a bill under an urgency basis to the California State Legislature that any species that had been thought to be extinct, that is then later discovered, goes immediately on the endangered species list through the state.

Now those extra 46,000 vehicle trips a day are going to pour 200 tons of new vehicle air pollution into the air we breathe. Presentation says there's going to be a few offices on land but we know the impact on this county. The impact along the 101 corridor is a direct result along the links of this chain of the granting of this permit. And that, I believe, alone requires an environmental impact study. Two thousand acres will be graded. More than 40 million cubic yards of dirt have to be removed for this project. Twenty thousand tons of hazardous airborne dust will be put into the air for a projected eight years of continuous grading. This is not acceptable but I believe more importantly for this hearing today it is an aspect that must be taken into account. We need a full environmental study because the granting of this 404 permit is key to the entire project, a critical link in the chain. Therefore I believe under law, and also because of what Congressman pointed out, the Army Corps of Engineers will have the full support of the community.

This is an unprecedented gathering of the Federal representatives of this area, state representatives of this area, county supervisor, all of the city representatives. We do represent our constituents in saying that we ask you most sincerely to conduct a full environmental impact study. Thank you very much.

COLONEL CARROLL: Supervisor Zev Yaroslavsky.

MR. YAROSLAVSKY: Colonel, first of all, let me thank you on behalf of my constituents for the time you've spent and work you've done. We look forward in continuing to work with you. I also want to salute Congressman Sherman for his leadership on this issue.

I'm going to summarize the comments I have submitted to you in the letter I just handed to you, Colonel. (The letter referred to identified for purposes of the record in this public hearing.)

I'm here to ask you to conduct a full, environmental impact statement on this project. I urge you, as the State Assemblywoman said, to think big, think broad, not to be incremental but to think big on this issue. This is a big deal.

This permit that you are evaluating now is the lynchpin of this project. This is no time to be narrow-minded and incremental about it but see the singular opportunity you have, the opportunity to save this region. We have a huge public investment in this area. The United States government has a huge investment. The State of California has a huge investment in this area. The taxpayers have twice in this last decade voted to assess themselves a tax to preserve these kinds of areas. They have a huge public investment in this area. Now, after investing these hundreds of millions of dollars and to preserve these mountains, why would we do anything to fundamentally undermine and eviscerate that investment? That is what is happening with this project. Now, if this were Yellowstone National Park and some bank came to you and if you had jurisdiction and they said we'd like to build 3,000 homes and a bunch of office buildings, a bunch of golf courses upstream from Yellowstone Creek, would you ask them for a negative declaration? Would you propose a mitigated negative declaration or would you ask for a full-fledged environmental impact statement? If somebody came to Yosemite and said they wanted to build a new commercial shopping center and homes and condos and golf courses, how long, Colonel, would you listen to them before you tossed them out?

This is our Yosemite Valley. This is our Yellowstone. This Malibu Creek is our Yellowstone River and Malibu Canyon is our Yosemite Valley. We not only believe that here locally, but the United States Government has seen fit to make this a National Park and the State Government has seen fit to make other parts of this a state park. There are a lot of local parks. We want to preserve that investment. This project is not well thought out to say the least.

I have in my possession a letter to show you how poorly thought out the project was from the fire chief of Ventura County. October 15th of last year who wrote to my fire chief in the County of Los Angeles saying, I quote, "My staff has reviewed the potential avenues of interim fire protection of this project," referring to Ahmanson project. "One of several alternatives brought forward is an interim contract with Los Angeles for fire protection services."

They didn't think this through enough to provide their own fire protection for this project and they are asking the neighboring county to do it for them, not to mention the endangered species which have been discovered which I think cease to be extinct.

The time has come and you have, Colonel Carroll, a singular opportunity to rectify a horrible decision on the merits that are before you here today and the facts before you today. We urge you on behalf of all of us to conduct a full environmental statement on this project. Let's try to do this thing right. Thank you very much.

COLONEL CARROLL: Ms. Fran Pavley.

MS. PAVLEY: Good morning. I would like to thank you, Colonel Carroll, for having the willingness to come out and listening to what I think is just a small number of people who are very, very concerned about this project. I am here today, however, as a representative of the California Coastal Commission. I was appointed by then State Senator Bill Lockyer and recently re-appointed by State Senator John Burton. In speaking to Coastal Commission officials yesterday, I wanted share with you some of their concerns.

The Coastal Zone Management Act requires that prior to issuing the Corps' authorization for the project, the applicant must obtain concurrence from the California Coastal Commission that the project is consistent with the State's Coastal Zone Management Plan. Your preliminary review indicates that will not likely affect coastal zone resources. In June of 1998, Mark Delaplaine from the San Francisco office of California Coastal Commission wrote a letter in response to the Corps' Public Notice. Mr. Delaplaine told me that the commission asked the Corps to respond to all the issues raised by the Law Offices of Katherine Stone. The Coastal Commission did not assert jurisdiction at that time waiting for the response. In speaking yesterday to Peter Douglas, executive director of the California Coastal Commission, he discussed with me my concerns that the project may impact the water quality in Malibu Creek that lies within the coastal zone. He was concerned about Malibu Lagoon and the impact on the wetlands and of course the water quality of the popular Malibu beaches.

I would also like to sort of take off my hat as a coastal commissioner with the time remaining and speak to you as a former four term mayor of Agoura Hills City Counsel. As a resident of this area, and I think I speak for thousands and thousands of people, we implore you to conduct a full environmental impact study. It's a role of State and Federal officials and agencies to get involved in this particular project. The reason why in this particular case is there's something wrong with the system. When one county can approve a project and it reaps all the economic benefits, the tax benefits, the building fees yet all the impacts are on the neighboring counties of Los Angeles.

In my opinion, this project would never have been approved today. Times have changed. We have found endangered species and extinct species on the project. This project was approved during a recession. There is dramatic political changes in Local officials, State officials and Federal officials now in charge of reviewing this project. If we had known then what we know now. There is a greater concern about the diminishing wetlands in California. The traffic conditions have changed dramatically since 1992. I have lived here close to three decades. It has tripled the amount of traffic on the Ventura Freeway. We need to look at the cumulative impacts of traffic in this region. We are literally at a standstill in the morning starting way back from Canyon Road going back into the valley. This project deserves your closest scrutiny. I ask you on behalf of the citizens of this area and on my behalf I ask you that you conduct a full environmental impact statement. I thank you very much.

MR. LAWRENCE: Thank you. My name is Allen Lawrence. I'm a member of the California Transportation Commission and a resident of West Lake Village. As a member of the commission, we are very concerned about the traffic on the 101 Freeway. We certainly have tremendous congestion and I think that's much of what the public officials have said already. I'll be very brief.

My concern is that the Ahmanson folks did not deal well with how they are going to mitigate the traffic congestion on the 101 Freeway with 45 to 46 thousand vehicle trips a day in the area. Thank you.

COLONEL CARROLL: Ms. Sandy Brown.

MS. BROWN: Good morning. My name is Sandy Brown. I'm deputy chief of staff of Senator Tom Hayden. He is not able to be here with you today so I would like to read a statement from him.

"Dear Colonel Carroll: Thank you for the opportunity to comment on the Ahmanson Ranch proposed 404 permit application. Even though my schedule prevents me from joining you today, my concerns regarding the project have not diminished. As recently as February 14, 2000, though requested by Congressman Sherman, Ahmanson has not supplied supplemental application package on the 404 to the Corps and a complete project description. A draft Resource Management Plan as unique and unprecedented as it may be for the protection and enhancement of natural resources at the project site is vague and susceptible to change. Elected officials and the public should have had a complete project description with an alternative analysis delivered in a timely manner in order to fully review, assess and comment on new information. As a result of such inaction, my ability to comment is considerably limited.

"Since 1992 when Ahmanson released their FEIR based on 1989 data, substantive changes to the 404 application have occurred which necessitate new actions by the Corps, namely the discovery of the California red-legged frog and the San Fernando Valley spineflower previously considered extinct. U.S. Fish and Wildlife Service should place the spineflower on the endangered species list on an emergency basis and allow its fate to unfold in an EIS. If there has been no change in the project description as determined in the '92 FEIR, it should be anticipated that the development would generate the same number of car trips on surrounding arterioles. However, there isn't a study that would not show or a user of the 101 or 405 Freeways that wouldn't agree that traffic has worsened in recent years. Such adverse impacts on the quality of life for hundreds and thousands of individuals could necessitate additional mitigation and should be flushed out in an EIS. Because of possible irreversible environmental consequences, it is of the utmost importance that the EPA coordinates with the Corps, reviews the environmental assessment, comments on the project and ensure compliance with the 404. Additionally, I am concerned about the massive impacts the development will have on the Malibu State Creek Park, Malibu Creek, Malibu Lagoon and ultimately the Santa Monica Bay and the endangered southern run of the steelhead trout and

tidewater goby in lower Malibu Creek and Malibu Lagoon. As chair of the Natural Resources Committee, an outdated EIR coupled with unmitigated significant impacts can conceivably have adverse impacts and new information regarding threatened and even once thought to be extinct species forces me to conclude that a preparation of a full project EIS is absolutely necessary and must be required. I urge your report of an identical conclusion. Sincerely, Senator Tom Hayden."

Thank you very much.

COLONEL CARROLL: Dennis Washburn.

MR. WASHBURN: I want to welcome the Army Corps of Engineers to the City of Calabasas. I'm Mayor Pro tem Dennis Washburn. I'm also president of the Council of Governments of our five cities in this 101 corridor including Malibu. We are delighted to see that Thousand Oaks is represented today because we've worked cooperatively with them for many years and we are merging as a community of considerable value, force and passion as you can see here today.

I want to thank Colonel Carroll in particular for coming here today. This is not adversarial proceeding between us and the Corps of Engineers. We're delighted that you have taken the time and organized this. I want to thank our special counsel from the City of Calabasas, Katherine Stone, who has helped us prepare a record that's this thick that will be submitted along with the comments of our city council members who will follow me, Janice Lee, Lesley Devine. James Bozajian is also here today. All five of us are opposed to this project as it is proposed and planned. I would commend Katherine also on the success of getting all of this activity stirred up because in the process I think we've tested everybody's metal. The City of Calabasas received notice of this hearing on the 22nd of February. I think we started the process in the first place. So it's something that I think has indicated the flurry of activity that has been undertaken here.

In Calabasas we see ourselves as stewards of our environment from the Santa Monica Mountains to the Simi Hills and we are in fact located smack in the middle. I'm going to submit this map which is actually from SCAG, the California Association of Governments which identifies the average daily traffic currently on the 101 so you could see segment by segment where the traffic impacts that we endured today currently are. (The map referred to was identified for purposes of the record in this public proceeding.)

What's important about this is that traffic ways and transit ways follow waterways. What we're about here today is watershed management on a very grand scale for this Southern California community. You've heard previous testimony as to how passionately we feel about preserving the resources that we have here and the financial resources that we've invested in our community as well. At each turn in our battle to assemble this record from the City of Calabasas, we've been overturned in the courts. At this point it's interesting to me that the Army Corps of Engineers with their 404 permit process has the opportunity and the authority to make the process sensitive and equitable once again. It's a critical juncture that we face here. What's ironic is it's administrative. It's extremely central to the process that we're going through today. We would encourage you to urge the Corps based on the testimony you're hearing today to conduct a full environmental impact study so we can in fact determine the future of this entire region that is home to over two million people as it's connected to the valley and to Los Angeles and to Ventura County.

I want to close with I guess a feeling, an analogy because I think we saw the presentation of the clustering concept which is in fact a legitimate practice which we've encouraged developers in our communities to deal with. As you saw the massiveness of the land, not just the Ahmanson Ranch property but Cheeseboro Canyon and Jordan Ranch or the canyons to the west. There are 10,000 acres that are now in public ownership, so the folks from Ahmanson Ranch and Washington Mutual have accurately reflected the 13 years worth of debate and discussion here. But the clustering now makes me feel like in Calabasas we're 20

red-legged frogs trying to perch on a single Portobello mushroom and it concerns me that clustering together like that while it's a good concept could frankly collapse the standard on which we're standing currently. I would ask you that all of it would be necessary to convince the court to conduct the environmental impact study. I would like to introduce my colleague, Janice Lee.

MS. LEE: Good morning. I'm Janice Lee. I am a city council member for the City of Calabasas. City of Calabasas is on record opposing this project. I want to underscore the wide consensus of elected officials here today who share that vision.

To revisit 1992 when this project was brought to the Ventura staff to review, they denied the project. It was sent on to the planning commission of Ventura County and the project was denied again. On dozens of impacts far beyond the focus of today's hearing, the project impacts were determined to be significant, in many cases overwhelming and sustained, most troubling and inmitigable.

Ahmanson Ranch sits at the headwaters of an entire watershed, one of the most important and sensitive in all of the Western United States. In as little as 20 years Ahmanson Ranch, which 20 years ago was zoned for open space and low intensity and rural use, is now a distant memory. Here 20 years later we are talking about building a new city. And the decisions 20 years from now of an Ahmanson City Government pressured by its own urges of urban growth could easily reverse all the decisions you make today. A project that is designed to become its own city is important to know because this distinction is critical to your deliberations.

For Calabasas, a new city built on top of this fragile ecosystem and infrastructure has simply put a death sentence. Biological impacts alone are well documented, the loss of habitat the loss of wetlands, the loss of oak savannas, the loss of entire species of plants and animals, the loss of the last remaining grasslands. Wildlife corridors don't survive this long-term destruction. Our city is unable to absorb the astronomical costs we will be forced to pay especially when we depend so much on these resources for the very quality of life for our citizens and for the resources here.

Traffic alone you've heard about, 40,000 more car trips a day into our streets. It is at best a conservative figure. The creation of a freeway bypass through the ranch will forever change the landscape and the quality of life. Look at today's parking lot for an idea of what a new city would bring. The sewers alone -- Tapia is our treatment plant -- presently cannot handle a surplus of reclaimed water. So instead of going into the entrance of our state parks to see the beautiful resources, we see spray fields where the surplus is being distributed. The Water District is struggling to solve the problem of ongoing odors radiating from the experimental compost facility. The impacts of thousands of trucks and cars from the grading activities and from traffic and commuting will impact the air quality here significantly. That is intangible, unseen, but we are still among the worst in the nation to be able to comply with clean air.

Washington Mutual now is asking our own fire department to service their project at the expense of our citizens. We don't know what next will be asked. We know the original fiscal analysis was withdrawn from the public review because of some fatal flaws. The archeological losses, the urban runoff activities that will directly impact our city with the intended cost for the compliance under state and Federal guidelines will be significant along with the issues of our landfill. The jobs created of 2,200 actually is somewhat misleading because over 3,000 jobs were lost when Washington Mutual bought out Home Savings, the parent company. The project cannot be piecemealed. The Malibu watershed is too vital. For Washington Mutual to propose something never attempted before. Special mitigation sets a precedent not just here but nationwide. Why would we experiment with the last resources left in our stewardship. The important thing is not that we're here today but all of those resources still are and some of those voices like the tiny spineflower were silent for 60 years and that is why what you're hearing today is so relevant.



I took a walk last night along the creek and my thoughts were wandering. I looked up at the night sky and wondered what 20 years from now would bring and what the outcome of today's efforts would be. And then I heard them. A distant course of frogs somewhere upstream. Not knowing this dialect, I wondered what they were saying to each other, to us, to you and to me. I think they were sending us an urgent message. Take care. Please take great care. Thank you.

MS. DEVINE: Colonel, I would like to welcome you to Calabasas and to let you know that we are delighted that we have this large room at our Community Center that finally opened just last month to greet you to our town.

My name is Lesley Devine. I am one of the founding council members of the City of Calabasas. Our city was formed in April of 1991. The first person we hired was a consultant to lead us in the border wars. This is still the same border war. The 1992 Environmental Impact Report admitted that this massive development could change the ecology of the whole watershed. The entire Santa Monica Mountains watershed is subject to natural disasters of fire, flood and mud flow which will be intensified by the addition of vast amounts of imported water to the land and will strain the infrastructure and the ability of all of the local agencies to handle public safety.

I want to direct this specifically to the area of water quality. The City of Calabasas takes great pride in its commitment to water quality and being the cutting edge leader in furthering the goals of NPDES. How deep is our commitment? One, adherence to those concepts are part of our general plan, something that very few cities can say, if any. But there is an old saying that came from a relatively new movie called Let's Follow the Money.

In fiscal year, 1998-1999, not including our staff, our consultant's salaries, the City of Calabasas spent \$368,741 on direct water quality measures in furtherance of the goals of the Clean Water Act. That may not sound like much. Understand that we became a city after the last census and our population has been variously described as from 18,000 people to 28,000 people. We deal with it. If it gives us money, we're 28,000. If it takes money, we're at 17,000. So pick a number.

While that is not the millions that many people talk about to our up to 28,000 people, it's a lot of money. At the same time our private businesses and developers that we have already required to uphold NPDES measures have spent a minimum of \$14,000 of their money on maintenance of their fossil fuel filters, oil and water separators and CDS units. In the Calabasas fiscal year 2000, we have already planned and it is in our budget on \$632,200 of water quality measures, again, not including staff salaries. That is taking our larger population estimate \$22 of taxpayer's money from every man, woman and small child in the City of Calabasas. With business still spending on their maintenance and new builders required to spend even more meeting our general plan water quality requirements, that is our deep commitment as an upper watershed city. We hope that you will appreciate that.

The downflow from this Ahmanson Washington Mutual Project are more than Calabasas can handle. There is no mitigation required from the project for what they do to neighboring cities. If there is further flooding or mud flows, who will assume the liability? Will the Federal Government take on our new costs? Will you protect our residents? Should 28,000 taxpayers from one small city be expected to add to their already considerable good faith expenditures and add the full mitigation for another city in another county? This development site is at the top of the Malibu watershed as you have heard from everybody. Lands that are now held in public trust such as Malibu Creek State Park, National Recreation Lands, De Anza Park, Surf Rider Beach and more. I will try to do this quick. If I can't, I will take my Councilmember James Bozajian's time.

COLONEL CARROLL: You have 30 seconds.

MS. PAVLEY: I will place on the record these lab reports taken along Las Virgenes Creek. The regional objective for inland surface waters are from a fecal count of under 200. Yet these test results show a pattern of counts well above 200. These tests show up to a high of 900 and a total coliform test often reaches the 1600 level which is the maximum tested. This is already an impaired water body. I will ask my colleague to finish my speech. I thank you. (The lab report referred to was marked identified for purposes of the record in this public hearing.)

MR. BOZAJIAN: I'm going to finish Councilmember Devine's statement for the record.

No matter what kinds of permits may have been granted, it is my understanding that the United States Constitution requires a good faith public trust which I believe is termed the Regional Welfare Doctrine. This audience itself along with all the written and E-mail testimony you have received should show you that elemental public trust to be missing. The financial impact and continuing damage to the watershed areas, the interstate freeway and the public beaches are being dumped on the taxpayers outside the jurisdiction of the development.

In other words, Washington Mutual gets a free ride to increase disasters and have no lasting reliability or responsibility for them. For example there is a drainage channel at the extension point of Thousand Oaks Boulevard from the project land into Los Angeles County. Yet this channel is not on your Army Corps map. It appears it will send drainage down to Mureau Road and into the drainage under the 101 Freeway. No one has gauged that channel's effect on interstate traffic in case of flooding. Who is going to pay for the cost of mitigating that drainage before it hits the freeway since it is not mapped or dealt with? After that the fact that interstate traffic on the 101 is higher than estimate in 1992's EIR.

I lived here in 1978 when the freeway did flood over stopping traffic in all directions. Even the smaller alternate roads were flooded or blocked by mudslides. Emergency vehicles could not get through either. Are we now going to create a regularly occurring problem on the interstate? Ventura County and the developer have deferred all major reports until the Army Corps is out of the process thereby taking all of the true environmental effects out of the public view. Will the public then have to come back and drag the EPA into the problems?

In summary, the negative environmental effects of this project seem not to meet the criteria of the Clean Water Act of 1972, the Federal Air Quality Act, the mandates of the National Estuary Program, the endangered species laws or the protection of significant and sacred Native American archeological sites. The U.S. government has said that certain health and welfare issues transcend local interests. They said so bypassing such legislation as the Clean Water Act and the Clean Air Act. There is an expectation that those national laws would be treated equally no matter how large a corporation is that seeks to get around the provisions. That is a public trust that is now placed in your hands.

Please deny this permit or place the jurisdiction for the regional environmental effects in your own hands in order to avoid the provokial bias of Ventura County that has so far taken place. We respectfully ask for your help and the full public interest. I also want to echo my fellow council member's urging in this area. Thank you.

MR. SCHUBEL: Mr. Dave Brown.

MR. BROWN: I am planning commissioner for the City of Calabasas. I also, prior to taking on this position, shared a joint committee of the Angeles Los Padres Chapter of the Sierra Club to analyze this project and determine what position that organization should take on it. I'm going to focus on the issues of downstream water quality.

The EIR indicates there is a great potential for impacts on downstream water quality. That becomes a matter of major concern because of the presence of the endangered southern steelhead approximately five to six miles downstream from this site, something that the EIR in 1992 did not address and needs to be addressed. The steelhead historically ran up the creek beyond this point. Dr. Cam Swift who is a former curator of fishes at the Los Angeles County Museum told me several years ago and confirmed in a recent conversation, if the dam is removed, the steelhead will run up to the Ventura Freeway. The California Department of Fish and Game as far as the Malibu Creek watershed study, came down from Sacramento, analyzed Las Virgenes Creek, took a water test right out here a few blocks from the site on one of the hottest days of the year, found a stream temperature of 66 degrees and announced that was within the range of steelhead habitat. So we have considerable reason to believe that if that dam is removed, which I think all of us think will happen, it's a useless dam, we will have steelhead in Las Virgenes Creek fairly close to the site. We need to look at that as a potential that was not looked at the EIR at the time.

The EIR mentions water harvesting which has been explained to me as a stripping plant on the site which will take reclaimed water or take water from the sewage and reclaim it in some way. And at that point it will then be utilized to spray on the site, golf course, common areas and so on. The location that this plant keeps moving -- and I'm starting to call it a planet the way they discovered the planets as they see these start to move to different locations -- I've seen it located at various points on the sites, some are close to Las Virgenes Creek. We as citizens and the City of Calabasas and the other entities that are here don't have any idea where this plant is going to go at this point. These things are starting to disappear behind a curtain.

For one thing when the Tapia Reclaimed Water Plant was built, it was built in the flood plains of Malibu Creek. On two occasions the plant has been flooded, the electrical apparatus was knocked out. Sewer lines that paralleled the creek were washed out and the creek and beaches of the Santa Monica were polluted in 1969 and again in 1980 and closed to the public for many weeks not even accounting for the damage done.

There's reason to believe based on personal observation and other evidence that that plant did not adequately take chlorine out of the water at the time, put it in the creek, that is put chlorinated water in the creek without letting it sit long enough and that there was no life in the stream at that time downstream from the Tapia plant. There was life immediately upstream to where the water was coming into the creek. I observed this personally in the late 1960's when the plant was built.

So we have a number of potential ways this plant can affect downstream water quality. We don't know where it's going to be. We don't know if there's a potential for flooding and downstream impacts. The EIR was vague on this subject. The map shows it at different places at different times. The plant will be managed by the County Sanitation District. Again, we have a county line up here south of the project. That means that the agency managing this plant will not be accountable to any citizen downstream. It will be a totally different agency accountable to citizens of communities of Ventura County.

One of the biggest problems of this project, one of the biggest reasons of an EIS is the lack of political accountability of the people making decisions on this project and monitoring this project to the people in this room. Supervisor Yaroslavsky does not represent the Ahmanson Ranch site. We would feel much better about it if he did. We have a number of questions about the detention basins, about the temperature of the water, what will be done for mosquitoes in that basin. The steelheads in Malibu Creek in an article in California Wild were mentioned that this is arguably the most important steelhead population in the world. The reason is scientific tests by Jennifer Nielson of the Hopkins Marine Station that have shown that the steelhead at Malibu Creek has the greatest genetic diversity of any known population. The EIR says water

quality will be monitored by Ventura County. We are ten miles from any place in Ventura County. The county seat is 40, 50 miles from here. What extent would they have to monitor water quality? We need an EIR. Thank you.

MS. STONE: My name is Katherine Stone and I am special counsel for the City of Calabasas. I am submitting written remarks and reports of experts. I do not intend to make a speech. (The aforementioned written remarks referred to were identified for the record in this public proceeding.)

I would like to point out that the chart showing the grading up there was prepared by one of our experts, Richard Harlacher from LSA Associates. He was formerly a biologist for the Corps of Engineers in the Los Angeles District. I have brought with me two of our experts and I would like them to discuss that chart and discuss the frog and downstream impacts on the steelhead. These experts are Drs. Jonathan Baskin and Thomas Haglund. Thank you.

MR. BASKIN: Thank you, Colonel, for coming here and listening to my comments. My name is Jonathan Baskin. I'm a professor of biology at Cal Poly University. Over the last 29 years I and my students have been studying riparian habits here in Southern California, particularly fishes and amphibians. From the studies that I've done and review of the scientific public literature, I do not believe the red-legged frog can survive the implementation of this project. I have reasons for this. The ponds that are going to be created to propose to support the frogs are not appropriate habitat. These are extreme animals. These ponds will be infested with exotic species especially exotic fishes. People put fishes into ponds, the fishes that live in ponds like this, like the largemouth bass and the sunfish. Catfishes are predators and would be predators on frogs, tadpoles and frog eggs. In addition, these ponds attract herons, crayfish and things like this. I think others will have a chance to talk about these things. These fishes will also get into the stream and be predators there.

With regard to the water quality, recent studies have shown that amphibians, in general, frogs and salamanders including the red-legged frog are very sensitive to nitrogenic contaminants, nitrates and phosphates which are components of lawn and garden fertilizers and are high in recycled waters that are used and will seep into the present habitat of the frog. There's every indication to believe that these things are going to be basically causing strong mortality in the frogs. Also the frog's habitat is not confined through the stream. We think the frog is living strictly in the water. There is documented evidence that these frogs move into Upland habitats, disperse in upland habitats. If those habitats are occupied by automobiles, people, cats and other domestic predators, they will be essentially eliminated.

I want to point out the burden of proof is on the project proponent to demonstrate that these impacts will not harm these animals and they have not done so. The material that has been submitted that I have seen is impossible to evaluate because it is incomplete, misleading contradictory in places. It does not show the method used for surveying or identifying the experts in giving their qualifications. They make no actual commitments to really doing mitigations. They are basically talking about perhaps the future, what may be done. If this material had been turned into to me as a master student project or a student project, the student would have flunked. In fairness to the project proponent and to everyone else, I urge you to call for a full EIS on this project so we can see what's really going to be happening.

There's been a gross failure also to consider downstream impacts. We are fully aware that these steelhead and the tidewater goby are down there. Let me point out that this is going to be a big problem for these organizations. This will be addressed by my colleague John Haglund.

COLONEL CARROLL: Sir, I'll give you three minutes since you're not an elected official.

MR. HAGLUND: I'll be quick. Again, I just want to re-emphasize what John said in terms of the EIS. We think that's necessary in this case. The impacts of this project are highly cumulative and so far have been dealt with very, very piecemeal. It's very difficult to even evaluate the overall impacts we're going to see as a result of this project. It's not four projects, it's one and the impacts are going to be cumulative. You're going to hear today a lot of testimony about red-legged frogs, so I'll leave that one aside. But it's my opinion this will be a very self-fulfilling prophecy. If you build this project, we will lose the red-legged frog, at least in its natural habitat.

What I feel here is that we have a lot of problems. Why we want an EIS is there are three things we noticed while reviewing the environmental documents. The collection of critical information has been put off. The documents are incomplete which you've been hearing from other people. Area D which they will survey eventually for toads will happen after A, B and C are already completed. These activities will impact the area that the toads are believed to exist. So there's incomplete data. There's a lot of conflicting information. Part of what Rick was trying to do with this document was to illustrate blue line streams and give an overall impact. The dotted grading on the bottom I think you can see on the handout you have is present on the Ventura documents. It's not present on what was submitted to you.

There's a great deal of conflict in the amount of habitats that are going to be impacted by this. No two documents seem to have the same numbers. Additionally, usually in dealing with other sensitive species, which has to be done here, we find that there's a considerable amount of inaccuracy dealing with the aquatic species which are well known. For example, the proponent doesn't seem to know that arroyo chubs exist in Malibu Creek. Their documents state that their nearest population is somewhere up in the Santa Clara River. Also a gross failure to deal with the downstream impacts. If you're going to fill the upper part of the drain anywhere from 10 to 40 feet of fill, you're going to hard-surface the area and affect the infiltration rates. You're going to re-divert the flows. It's hard to imagine that anyone who has taken hydrology 101 is going to claim this isn't going to have high biological effects. Either on-site or downstream, temporal patterns of flow of water, quantity of water and patterns of water released are all going to be affected by this development. The downstream development, the downstream habitats are critical. Clearly if we're going to restore steelhead in this stream, the habitats above the dam are the ones that are critical.

And just to conclude in my time, I would like to read something from the National Marine Fisheries listing document for the southern steelhead. Basically, it says here that habitat quality is related to the quality of the Upland areas and the upstream areas including headwaters and intermittent streams which provide key habitat elements crucial for the steelheads and downstream reaches. These are exactly the areas that this project is going to affect. Thank you.

COLONEL CARROLL: Mayor Rishoff.

MAYOR RISHOFF: Good morning, Colonel. I'm Louise Rishoff, mayor of the City of Agoura Hills. I want to thank you for holding this very important hearing in our community and for listening to the concerns of our residents who are going to have to shoulder all the impacts to what amounts to a brand-new Ventura City on our border.

I think it's important in terms of context to bear in mind that Ahmanson is located in a significant ecological area. When this project was approved in 1992, the original approval was just for the general amendment plan zone change and a specific plan with a program of EIR which looks at only the general impact. On February 24 the Agoura Hills Council sent a letter to Ventura County which I would like to put into the record this morning disputing their prior belief that a supplemental EIR is somehow sufficient to analyze

the Phase A environmental impacts. (The letter referred to was identified for purposes of the record in this public proceeding.)

Significant impacts require a subsequent EIR and an EIS in this case. First of all because it is consistent with the original 1992 approval which anticipates that the detailed environmental review would take place as each phase came along.

Second, because the 1992 EIR is out of date and based on assumptions that have proved to be inaccurate. For example, the 1992 biological surveys were performed during a draught year, a record drought season. The discovery of species previously thought extinct suggests that other species are likely to be present. Unless a complete and current protocol survey is done, all the biological resources may well not be disclosed and appropriate mitigation measures not provided.

Third, although Washington Mutual has made some minor adjustments to protect and avoid impacts on the red-legged frog and the spineflower, it is not known whether those changes would negatively affect other resources and cause impacts that were not previously considered. A subsequent EIR and an EIS is necessary to look at those changes.

Fourth, all phases are inter-related. No phase stands alone. A subsequent EIR and EIS would analyze the changes to Phase A as they effect other phases and the entire project. As part of Phase A, for example, Washington Mutual plans to grade well beyond the development limits and construct drainage and water transmission facilities which will impact Las Virgenes Creek. It is essential to analyze the impacts of Phase A on the entire 2,800 acres.

Fifth, the Resource Management Plan was also required to be submitted with Phase A to identify certain goals for resource protection and management. It should be prepared in conjunction with a subsequent EIR and an EIS providing current environmental analysis.

The city of Agoura Hills has very great concerns about the project's ability to mitigate the impacts of 4,500 new vehicle trips per day. The Ventura Freeway, which is currently operating at a level of Service F right now today. We have requested that Ventura County update the 1992 traffic analysis. And relevant to the 404 permit, the oil, gas, coolant, grime and other pollutants that 457,000 additional cars per day would leave on the 101 Freeway are going to wash directly into the creek and straight to Santa Monica Bay. These impacts must be updated.

The first phase itself of Ahmanson Ranch may not have immediately showed, that is the various number of impacts. This is a phased project and the incremental development of the four phases will have a significant, cumulative and negative effect on this entire region. We cannot express in strong enough terms the importance of doing further and detailed environmental review to analyze the many changes that have occurred over the eight years.

Again, we thank you for being out here realizing, I think by looking around, why this project is so important to our community. I'd like to introduce our council member, Jeff Reinhardt.

MR. REINHARDT: Colonel, Congressman, colleagues, I represent, certainly a seat on the Agoura Hills City Council, but I'm also the representative of our Council of Governments to Las Virgenes, Malibu and Conejo. I represent them at the Southern California Association of Government Transportation and Communications Committee and I represent my city at the MTA Northern Corridor Cities. What that means is I'm kind of the transportation guru for our city, for the lack of the better term.

We have, as Mayor Rishoff mentioned, a concern about freeway crowding. She mentioned Level F service being rendered by the freeway, if that is indeed service. What that means is according to Caltrans, our freeway is currently carrying a load of 160 percent of its designed capacity. Which is to say that not only is the freeway dysfunctional but also many of its interchanges.

Our situation on a local level with Agoura Hills -- and when we deal with environmental issues and so many of these impacts that we've been discussing, they tend to sound in macro terms very institutional. The effect on our little city is just one example. Our Kanan interchange which is a heavily stressed interchange at Level F service or less, will be impacted by this project in another way. The children who live in this proposed project will have to be bused from that project to schools of the Oak Park Unified School District. They would have to travel by bus through that interchange at Kanan Road, which I said is already at Level F. The impacts to us as we recently received an estimate on rebuilding that interchange is just short of \$20 million dollars. For a city of a budget of \$6 million, it's a difficult mitigation for us to take on. My understanding is that our mitigation to be received from this project is \$250,000. It doesn't begin to scratch the surface. The young people who will be riding those buses would be exposed to a considerable distance of travel every day and the dangers to go with it.

These are folks don't vote for me. They don't vote for any of us but they will in the future hold us accountable for the types of decisions we make when we look at the entire impacts of the project of this magnitude and region. I hope through demanding a thorough environmental impact study that not only takes into consideration all that you've heard from the elected officials, that we consider these young people and the future of this region as central to the reason for getting these reports and the information required to make the best decision possible when we look at the future of our area. Thank you, Colonel.

MR. LEAVENWORTH: I'm Dean Leavenworth, communications director for Councilmember Laura Schick and the Third Council District of the city of Los Angeles. Councilmember Schick was unable to attend today's meeting. She asked that I read this statement on her behalf.

"I would like to welcome the Army Corps of Engineers to this meeting and community. I especially want to thank the public for taking time from their Saturday to come and attend. While we're meeting in Calabasas, this project has the potential to impact the surrounding communities in numerous ways, not the least of which are environmental.

As many of us are aware, there are many environmental concerns surrounding this project which will have a significant impact on the neighboring communities, issues that I hope the Army Corps will diligently investigate. The Corps' mission requires it to refrain from issuing a permit that will have an unacceptable adverse effect on wildlife and the natural environment or if it is contrary to the public interest. I hope that the Corps will use this opportunity to determine whether or not this is the case in this instance.

As many of us are aware, because of a drought at the time of Ahmanson's 1992 Environmental Impact Report, many species which might have been seen under normal environmental circumstances such as the red-legged frog were not in evidence. No surveys were done for the spineflower which then was thought to be extinct nor any other endangered species. As many of us are also aware during a study to obtain the 404 permit, several species of plant and animal life were subsequently identified as endangered or previously thought to be extinct. The potential for further discovery of endangered species exists only if Ahmanson Ranch Company is required do a full environmental impact study before obtaining a 404 permit.

During Phase A, the first plan development which is closest to the City of Los Angeles, 12 of the 14 currently identified locations of the spineflower are planned to be destroyed. Since authorities have only known the flowers existed since May of last year, there has not been sufficient time to study its habitats or its patterns. If grading is allowed to occur without reasonable study of the flower, this would be a terrible loss to our

collective environment. In conjunction with this loss of habitat, there is also the fact that more than 500,000 cubic yards of the graded earth is planned to be deposited into the Las Virgenes Creek which is under your purview. This endangers the wetland habitat of the frog. The connection between the two, potentially destroying one with the other makes a clear case that the impacts of the project are significant and far reaching making a strong argument for further investigation by the Corps.

Finally, I'm concerned that the representatives of Ahmanson Land Company have not provided the Army Corps or other interested parties with sufficient information on mitigation monitoring. One was not required early in the process. With the large number of new environmental findings, it is clear that the 1992 EIR is not nearly complete and for this study a mitigation program should be required as the project would certainly have unavoidable impacts.

It behooves the Corps to ensure that Ahmanson Land Company spends more time thoroughly investigating exactly what is out there, how it might be impacted and what mitigations should be put in place. Thank you for your time."

COLONEL CARROLL: When all three names are called, please come up. Melanie Beck, Rick Farris, Timothy Vendlinski.

MS. BECK: Good morning. On behalf of the National Parks Service, I thank you for holding this public hearing on Ahmanson Ranch's application. We offer the following overall recommendations.

The National Parks Service requests the Army Corps to prepare an environmental impact statement for the Ahmanson Ranch. Many of new biological findings and changes in economic circumstances as well as environmental protection have occurred since the EIR was approved in 1992, in particular, the finding of the red-legged frog and the spineflower by which people have already spoken.

The Corps should consider impacts on aquatic species in lower Malibu Creek. Additional water volume and higher velocity in Malibu Creek are generated in the upper watershed with one of the impacts sedimentation occurring in Malibu Lagoon. Sedimentation of Malibu Lagoon has been reported to be occurring at a rate one hundred times higher than the pre-European rate for Southern California coastal lagoons.

Residential and commercial development in Agoura Hills and Oak Park over the past 15 years has greatly increased impermeable surface in the upper watershed. Between 1978 and 1993 road length in Malibu Creek watershed increased by 40 percent. Augmented runoff and water velocity have promoted downstream and ultimately sedimentation of Malibu Lagoon. If impermeable surface runoff from approximately 8,000 homes in Agoura and Oak Park has contributed to increasingly severe flood events in Malibu Creek watershed, what will the impact of an additional 3,050 homes have? That doesn't include the commercial land use. The EIS needs to analyze the hydrological depreciated of Ahmanson to the life cycles of the steelhead trout and tidewater goby, and importantly to the ecosystem of Malibu Lagoon. We expect the Corps will consult with the National Marine of Fisheries on these issues.

Finally, I wish to re-emphasize supervisor Yaroslavsky's statement that this project sits above a national park. The Santa Monica Mountains National Recreation Area. This park was established because of its outstanding natural and cultural resources. Importantly, it was also established as a part of the Park's to People Program, a program that was to established national parks near urban centers to give more people the chance to experience a national park without traveling to more distant national parks. One in every 17 Americans lives within an hour's drive of the Santa Monica National Recreation Area. The 275 million



Americans who have ownership in these mountains deserve full disclosure of Ahmanson Ranch impact the Federal way, through the environmental impact statement. Thank you.

MR. FARRIS: Good morning. I'm Rick Farris. I'm an ecologist with the U.S. Fish and Wildlife Service. I just want to give a brief overview of what the Service's involvement is with this project in the three sections of the Endangered Species Act that will apply in this case.

The first section is Section 7 of the Endangered Species Act. That section of the act requires any federal agency taking an action to assess whether or not its actions may affect a particular species. In this case, the Ahmanson Ranch, it's the red-legged frog. At that time the Corps has to determine if the action is going to affect the red-legged frog. If that's the case, the Corps must initiate formal consultation with the Fish and Wildlife Service to analyze whether or not -- give the service a chance to determine whether or not the activity that's going to be permitted will jeopardize the existence of that species.

At this time the Service and the Corps are discussing what the Corps' jurisdiction is in this case and how it's going to affect the red-legged frog and at some time in the future the Corps will be submitting their findings to determine what they think is going to happen with the red-legged frog. At that time we will make a determination of consultation, if necessary.

The second section of the act that applies in this case is Section 4. Section 4 of the Endangered Species Act authorized the service to list species as endangered if there was an imminent threat to their survival, if they are likely to go extinct. This process is highly public review. There's a series of processes that you have to go through that are listed in the Federal Register for Public Comment. In this case we're concerned about the San Fernando Valley spineflower and we're still determining if the listing is appropriate. We're talking to Ahmanson and the Corps to see if the Corps' jurisdiction is going to be able to cover the spineflower and working out conservation measures. At the same time there's biologists that are collecting data on the natural history of the spineflower to determine what are the best conservation measures for that species.

The third section of the act that's relevant is Section 10A and B, that section of the Endangered Species Act allows the service to issue an incidental take permit to private land owners. Under the original take permit, the applicant, in this case Ahmanson Ranch, would have to prepare a habitat conservation plan. As Dr. Baskin rightly pointed out and the service recognizes that there is a stage in the California red-legged frog's lifestyle where it may occur in Upland areas away from areas that are outside of the Corps' jurisdiction. For that reason we recommended to Ahmanson Ranch that they apply for an incidental take permit and they have agreed to do so. The habitat conservation plan and the incidental take permit are subject to public review.

We continue to work with the Corps and Ahmanson on this to determine what are the measures that are going to be necessary to conserve the red-legged frog and we're reviewing all the biology and all the published information that's available to make sure this species persists in the area. Thank you.

MR. VENDLINSKI: I'm with the U.S. Environmental Protection Agency. I'm the chief of the -- that is the first time in 15 years I've ever been applauded for saying that. I'll take it. I'm chief of the Wetland's Regulatory Office and USEPA shares with the Corps of engineers the responsibility for carrying out Section 404 of the Clean Water Act which regulates the filling of wetlands and the protection of wetlands. I'm here today on a listening mission to hear what the community has to say, to hear what the elected officials have to say. We're very much looking forward to seeing what's called the alternative analysis whenever a project is significant enough in terms of its impact on wetlands.

The applicant for 404 permit must prepare an alternatives analysis demonstrating maximum avoidance of wetlands and waters of the United States. My understanding is that alternatives analysis is being prepared and we will give careful review upon its submittal. Thank you for your participation in this meeting. Thanks.

COLONEL CARROLL: Rosi Dagit, Sean Manion and Russ Dingman.

MS. DAGIT: Good morning. My name is Rosi Dagit. I'm a conservation biologist and certified arborist. I work with the Resource Conservation District of the Santa Monica mountains. My role here today is to kind of make a connection for you between the role of the removal of all the oak resources that occur on this site and how that impacts the waters of the United States which is under your jurisdiction.

If you recall, oak trees and many other trees serve a lot of purposes. They capture the rainfall when it hits their leaves. They allow the rainfall to infiltrate to groundwater resources rather than run off to the storm drains down to the creek and the ocean. They provide temperature modification. They provide air pollution mitigation. They provide energy conservation. All of these are very important benefits that have real associated costs. If we were to try to deal with what one oak tree can do in its lifetime, it would cost you somewhere around \$350,000 over the lifetime of the tree. If you consider over 13,000 oak trees will be removed in Phase A of the Ahmanson Project, you begin to see that the real cost to the community in terms of what these resources are providing us is substantial. That, of course, doesn't even take into account the associated aesthetic influences of oak trees and also their role as a keystone species.

There are over 5,000 species of insects, 100 species of birds and 60 species of reptiles and amphibians and 100 species of mammals that require oak trees for all of their life cycle needs. When we start messing around with our Oakland and our savannas, please consider what the impacts are to the oak resources that are happening with this project.

I would request that you look at the associated information that has been published since 1992 regarding the success of transplanting live oak trees. It turns out that 240 oak trees would cost \$2.4 million dollars at minimal to transplant. I think that resource when you consider about 10 or 20 percent survive over the long-term, we're looking at a substantial investment and perhaps mitigation measure that's not going to get us to where we want to go.

I want to end with a thought that oak trees are a substantial definition of our landscape. Without oak and without oak woodlands, the whole landscape picture of Southern California changes. They are an integral part. Thank you for protecting them.

MR. MANION: Hello. My name is Sean Manion. I'm a conservation biologist for the Resource Conservation District of the Santa Monica mountains. I've conducted ecological research within the Malibu Creek watershed and Malibu Lagoon for the past 15 years focusing on wildlife species including the Federally endangered tidewater goby. I want to mention brief things regarding the frogs, tidewater goby and steelhead trout.

The California red-legged frog we have on Ahmanson now, it seems to be perhaps the last viable population in all of Southern California. And with the proposed zones and wildlife corridors for the Ahmanson Project, neither the buffer zones nor the wildlife corridor areas will likely be effective for the red-legged frogs because the quote, "Additional golf course buffer zone," is an inaccurate use of this concept. A golf course is not a buffer area. Golf courses are extensively used by humans, contain little or no native vegetation,

harbors fertilizers, herbicides typically used on golf courses that result in ecological degradation via runoff even if used judiciously.

In addition, attempts to mitigate the impacts to these frogs by creating movement corridors is highly speculative because many red-legged frog species have been known as unpredictable dispersers. That means they don't always disperse on typical amphibian corridor routes such as riparian zones. So, therefore, any attempt to designate buffer or corridor habitat for the red-legged frog is guesswork at the very best. In addition, the proposed project will be constructing some lakes, or open water habitat is the term also used, along the East Las Virgenes Creek as proposed mitigation. Lakes do not naturally occur in the Santa Monica mountains. Lakes are not replaced habitat for streams or riparian habitat. Artificial lakes provide optimum habitat for non-native species that we heard about earlier such as crayfish, mosquito fish, bullfrogs, sunfish and many others. These species are flushed into streams and are also introduced by humans. That has happened in virtually every pond habitat that has been created in Southern California.

The two federally endangered fish species existing downstream as everyone knows is the tidewater goby and the southern steelhead trout. The Ahmanson Ranch resource plan acknowledges that this project will result in increased sedimentation, downstream and stream flow velocities. The overall result is an altered hydrologic stream flow regime that will adversely affect both the steelhead and the tidewater goby. These species need clean, coarse gravel and sands respectively for spawning habitat but the detention basis proposed for this project will trap and impede the transport of the coarser material which is needed while much of the fine silts will be transported into the creek which are detrimental to both of these species.

This proposed project is also located in the portion of the headwaters of the Malibu Creek watershed. Headwater areas even when they do not --

COLONEL CARROLL: Sir, your time is up.

MR. MANION: Can I finish this one sentence? Headwater areas, even when they do not provide direct habitat to fish, do provide high levels of water quality, natural stream flow patterns. The headwaters of watersheds in their natural state serve as critical ecological anchors for stream and the long-term integrity of ecosystems. Thank you very much.

MR. DINGMAN: California Department of Parks and Recreation offers the following comments on the Ahmanson Ranch for the consideration.

"The proposed project lies within the headwaters of Las Virgenes Creek watershed, a major tributary to Malibu Creek. California State Park is the largest landowner in the Malibu Creek watershed. It manages over 7,000 acres of parklands within Malibu Creek State Park and Malibu Lagoon State Beach. The majority of this park acreage is located within the coastal zone. We believe that the development proposed under the permit application will have significant adverse effects to natural resources within the coastal zone and, therefore, disagree with the preliminary review of the selected factor that the project is not likely to effect water quality in the coastal resource zone or endangered species.

"Malibu Lagoon supports a population of tidewater goby listed as a Federally endangered species by the United States Fish and Wildlife in March of 1994. Malibu Creek contains a documented population of steelhead listed as a Federally endangered species by the Natural Marine Fishery service in August of 1997. Both of these species are sensitive to deposit of sediment and spawning habitat. Malibu Creek and Malibu Lagoon are currently negatively impacted by the development included in sedimentation in non-natural flows. This water enters the watershed via landscape, irrigation and wastewater treatment and causes Malibu Lagoon to have sand barriers which block

flow to the ocean. This unnatural breaching has shown to sweep tidewater gobies into the surf zone, sand or strand them on the land as the lagoon empties. Breaching is also believed to negatively impact steelheads that can be forced into the ocean before they are adapted to the saltwater existence.

“The newly discovered population of the red-legged frog and the San Fernando Valley spineflower within the development footprint represents new information. Project impact is insignificant of an indication that the impact on these species have not been subject to environmental review. Proposed mitigation measures for these impacts are unproven and untested and may themselves hasten the destruction of these species from the site. Significant adverse impacts to coastal resources, water resources, public health, air quality, endangered species and rare plants will result from this project. This will come to light after certification of the EIR that indicates either more or potential significant impacts.

“The findings in 1992 were based on information gathered in the 1980's. Since that time two fish species including the Malibu Creek watershed downstream on this project has been listed as Federally endangered. Numerous studies and documented serious impacts...”

COLONEL CARROLL: Your time is up.

MR. DINGMAN: “...therefore, we request that you have a project wide environmental statement prepared to issue any permits for this project.” Thank you for considering our comments.

COLONEL CARROLL: Martin Clause, Hue Clabaugh and Mark Gold, please come up to the microphone now.

MR. GOLD: Good morning. My name is Dr. Mark Gold. I'm the executive director of Heal the Bay, an environmental group with nearly ten thousand members dedicated to basically restoring and protecting Santa Monica Bay and Southern California coastal waters. We're here today basically to bring out a couple of points in relation to water quality.

As you've already heard, the 1992 EIR basically overlooked a lot of endangered species issues and also the watershed issues. Malibu watershed is a Category 1 listed under the federal watershed. So it's a very high priority. You yourself in the Corps are focusing a lot of time right now in determining whether the dam can come down basically to allow the steelhead to go where it rightfully belongs in the upper watershed. So that being said, what's in the 1992 EIR and other documents is an inadequate discussion of storm water issues within the Storm Water Management Plan and also on a plan for what to do post-development to really deal with the runoff.

We've heard from a number of people the issues on the increases of flows as well as the increases of velocity and that could potentially cause harm within the actual watershed. With that in mind, one of the things you see on the map is more than 70 percent of the land will be graded. So there's a huge potential sedimentation problem during the construction phase of the project. They are also grading within 80 feet of red-legged frog habitat. You're looking at basically 12 percent of the Ahmanson Ranch area will become impermeable area. The actual developed area itself, not the donated area, 12 percent will become impermeable. On top of that, with the 70 percent grading you end up having a very huge problem from the standpoint of downstream impacts. Need I remind you that Tom [?], the director of the Center for Water of Protection [?] as well as numerous university of Washington researcher's have demonstrated time and time again when

you increase the impermeable area within a developed area above 10 percent, you basically have irreversible negative impacts within that drainage. Here we're talking about 70 percent of the area that's going to basically have human impact to it. So you could imagine you could have a wide variety of negative impacts.

Wrapping up, I guess it would be on the golf course issues themselves. We're very, very concerned about how there's nothing in any of the plans whatsoever talking about the impacts of herbicides, fungicides as well as the nutrients that are going to go into the receiving waters. I know Steve Fleischli from the Baykeepers will talk at length about the fact that you have numerous 303 listings within this watershed and none of those issues at all have been taken into consideration. So we strongly urge you to go forward in requiring an environmental statement because the impact can be so severe coming from this development. Thank you so much.

MR. CLABAUGH: I'm Hugh Clabaugh. I'm with the Ventura County Department of Public Works. I would like to submit this for the record. The Ahmanson Specific Plan and Project Environmental Impact Report describes the project's substantial and mitigation measures to address any potential impacts to water quality. (The report referred to was marked for identification for purposes of the record in this public proceeding.)

Section 3.6 of the specific plan describes the project's drainage system including the urban runoff management program for the project and Section 4.5 of the EIR evaluates the project's potential impact and concludes that with mitigation all potential water quality impacts would be reduced to a less than significant level. In short, the quality and quantity of water flowing from the project is expected to be the same after development as it is before development. In addition, the potential impact to the Malibu Creek downstream of the project is insignificant. Ahmanson will also be required to prepare a storm water pollution prevention plan consistent with the State Water Resource Control Board's general permit for construction activities and Ventura County's municipal storm water permit.

Ventura County is in the process of amending its municipal storm water permit but the water quality program for the Ahmanson project will be a comprehensive and innovative set of measures, which will fulfill the requirements of the new permit. Ventura county is committed to ensure that all development including the Ahmanson project proceed with the utmost respect for the natural resources of the county and all other neighboring areas which could potentially be affected. Based on experience to date, we believe Ahmanson will meet or exceed Ventura County's water quality expectations. Thank you.

UNKNOWN SPEAKER: I'm going to be heard because you guys are running over. You're not sticking to the agenda. Have you ever heard what went up there with Rockwell, Boeing? It's a research facility. There's a nuclear reactor there. What are the side effects of that? What are the potential side effects of that? Nobody has talked about this because nobody knows about it. What chemicals are running down that canyon from there? Nobody is talking about it here. Not a person.

COLONEL CARROLL: Bruce, will you see if the sheriff is outside?

UNKNOWN SPEAKER: Why don't you guys talk about the important issues? We know about the red-legged frog. We know about all that. (Gentleman was escorted out.)

MR. HOLLAND: Good afternoon, Colonel. My name is Dr. Dan Holland. I'm a biologist specializing in the revolutionary ecology of native amphibian and reptile species. Because of time limitations I will discuss only a few of the many problems with the Ahmanson Project, a description which would minimally require several hours.

First the sections dealing with the California red-legged frog omit, minimize or misrepresent several aspects of its ecology including but not limited to habitat use, both integrated movement and its range wide and local status all of which are relevant to the evaluation of highly likely negative impacts from the project. Additionally, there is no significant discussion of the potential negative effects of changes in water on the species. Existing information indicates that even minor changes in water quality can produce direct mortality to this and other amphibian species.

Second, the "Putative," quote unquote, mitigation measures are functional oxymorons. The burden of proof is on the project proponent to demonstrate that they will actually work as proposed. They have clearly failed in this regard as they are untested, unproven, and in my professional opinion likely to do far more harm than good. The mitigation measures will provide a field of dreams situation for exotic species such as bullfrogs, mosquito fish, sunfish and crayfish known to have significant negative impacts on the local biota. If you build it, they will come, however, they will not quietly fade away. They will effectively be there forever.

Third, the nature and specifics of the documents indicate there was no serious effort made to survey for a number of sensitive amphibian reptile species and, thus, there is no discussion of likely negative impacts to southwestern garter snakes recommended for state endangered status, two striped garter snakes recommended for threatened status and other species which are known or likely to occur on the site. Absence of evidence does not constitute evidence of absence.

Fourth, the information presented dismisses or minimizes without discussion explanation or documentation likely negative impacts to other species in the watershed including but not limited to the tidewater goby and steelhead trout.

Lastly, the documentation is deficient in terms of the overall quality and quantity in information provided. In 20 years of reviewing reports of this type, I can't recall a situation where a project of this scope is as superficial, misleading as the material we have seen today.

I recommend in the strongest possible terms that you require a full environmental impact statement for this project. To do otherwise is a disservice to the project proponent, the Corps, the regulatory agencies and the community and the taxpayers of this state. Thank you.

MS. CHATTEN-BROWN: Good morning. My name is Jan Chatten-Brown. I'm an attorney for Heal the Bay. First of all, I want to thank you for agreeing to hold this hearing. I was pleased to hear the commitment this morning that you will hold a hearing when we have a complete application. That hearing should be a forum for consideration of comments on the environmental impact statement, which we believe you must prepare.

Your notice went out in 1998. It indicated you did not think an EIS was necessary prior to the issuance of the permit. We disagree with that conclusion and I'll submit a letter in the record detailing the legal basis for that conclusion. I won't repeat it. (The letter to was marked as was identified for purposes of the record in this public proceeding.)

There's been references to some of the cases. There are many cases where the courts have held that the Army Corps of Engineers must prepare an EIS on projects with comparable or even less impacts on the

environment than the project before you today. This project essentially requires the leveling of mountains and the filling of canyons. You must prepare an EIS. The scope of that EIS must consider all of the impacts. I know that Katherine Stone was also detailing the case law and the various regulations for that.

One thing I particularly wanted to note is that the president's counsel on environmental quality which publishes the needed guidelines, those guidelines specifically states that one of the factors that must be considered in determining whether or not an EIS is to be prepared is public controversy. We're not talking about simple opposition to the project. We're talking about legitimate scientific controversy about whether these impacts will or will not occur.

Now, Heal the Bay and other environmental groups have met with Ahmanson and their experts, for example, on the issue of the impact on the red-legged frog. They say the red-legged frog best exists in ponds off major streams. You had a qualified expert today that said, "No, they have to live actually in the streams." This is one of the many issues where there's legitimate controversy. Under the guidelines when there's that kind of controversy in 9th Circuit case law, an EIS must be prepared. We urge you to do that, to have it be broad and that the next hearing, hopefully, that is a constructive and positive one with detailed comments on that analysis. Thank you.

MS. KIRBY: My name is Lenora Kirby, Las Virgenes Institute for Research Management. Good afternoon, Colonel.

I'm happy to have this opportunity to address you and all the old and new friends who are here today because they are interested in environmental protection. It's wonderful to be in a building that wasn't even dreamed of when I started work on this issue ten years ago, the development of Ahmanson Ranch and to be on a road that wasn't dreamed of and a city that wasn't dreamed of when I moved to this watershed 23 years ago.

The Las Virgenes Institute for Resource Protection is an independent nonprofit public benefit corporation unique in California. It exists as part of the required environmental mitigation for Ahmanson Ranch Development. I'm telling you all this because there are a lot of new politicians and new people in the room and I want you all to be aware that this is not a sham. This is not smoke and mirrors. It's not a developer's trick. It is real and it has permanent funding not dependent on political promises or political influence or taxpayer's dollars. It is funded by development on Ahmanson Ranch to independently oversee and implement the environmental mitigation on Ahmanson Ranch and to educate the public about environmental issues of local, regional and global concerns. Las Virgenes Institute is a committee stewardship organization. They are springing up all over the United States but this is the first one in California. I would like to take a minute to tell you how it came here.

Nearly ten years ago I went to work for the County of Ventura as an environmental advisor to the county supervisor. At that time local environmental activists, many of whom are here today, came to me with five concerns. They were concerned that a large politically powerful landowner, and I don't mean Ahmanson, intended to put a road through Cheeseboro to gain access for his private-gated golf course community inside the National Recreation Area. The number one issue with local activists ten years ago was to stop political influence from allowing this to happen.

Number two, I learned that no land is ever safe from political influence until the public owns it outright.

Number three, no one is against development, per se, but development must be fully offset by environmental protection and most environmental protection is a farce since no agency or citizen's group has money to monitor compliance or document failure.

Number four, good development would be clustered to preserve as much open space as possible. It would incorporate mass transit and mass transit linkage would offer government protected affordable housing. With the help of the Ventura County [Resource] Management Agency, we checked off everything on that list. We stopped political influence from putting roads in the park plan.

COLONEL CARROLL: Please sum up.

MS. KIRBY: I have one final question to ask you. If we had been able to do the surveys for this development in 1993 as planned, how many frogs would we have found then?

COLONEL CARROLL: I have to ask you to put the rest of your statement in writing.

MS. KIRBY: The rest will be in writing.

COLONEL CARROLL: The next speakers are Ray Pearl, Mary Wiesbrock and Steve Fleischli.

MR. FLEISCHLI: It's good to see my old law firm working on the other side. I am the director of the Santa Monica Baykeepers. We are an environmental nonprofit organization dedicated to the protection and restoration of Santa Monica Bay including Malibu Creek watershed. Thank you for coming, Colonel.

I want to harken back a month or so ago when Secretary Westphal was in town. We had a small meeting to go talk with the secretary about the issues we face here and the critical problems we face with the waterways. We talked about the role everyone has to play in this process. We talked about how the Army Corps can't do it all by itself. We talked about how the community groups can't do it all by itself. So I appreciate your willingness to be here today in terms of water quality impacts. We heard a lot today. I want to add a few facts into the record for you.

The Federal Environmental Protection Agency has recognized certain impairments along Las Virgenes Creek and Malibu Creek. For Las Virgenes Creek, those include coliform nutrients, low DO, trash and selenium. This is through the 303(d) process of the Federal Water Pollution Control Act. For Malibu Creek, the impairments include coliform, nutrients and trash. What does all this mean? Well, you know that the Clean Water Act is designed to improve water quality. The Clean Water Act is also designed to make sure that it doesn't get worse and, in particular, under Section 40 CFR 122.4(i), there is an absolute prohibition on the addition of new pollutants to already impaired waterways from new sources. That's exactly what's going to happen here with this project. Washington Mutual proposes 50,000 cubic yards to be dumped into Las Virgenes Creek. They propose massive grading. I submit to you that that would violate the code. Now, Washington Mutual could stand up here and say everything is going to be fine and in part they rely on their specific plan to demonstrate that to you. However, the specific plan is not specific at all. You need to take an independent hard look at these issues and make your own determinations.

As you can see, the community is doing everything it possibly can. We hope you will do the same and support a full environmental impact statement. Thank you.

MR. SWIFT: With all due respect to Colonel Carroll and Mr. Henderson and all the hardworking Corps of Engineers people, our first point is this hearing doesn't pass legal muster because the public has been given inadequate, incomplete and inaccurate information. That is particularly true with respect to the amount of



fill to be deposited, the amount of wetlands, the failure to update the water issues, particularly the Ahmanson claim that it owns the water in the Las Virgenes Creek, the failure to even mention five to six endangered or threatened species. There are been no proper updates since the original 1998 Notice. The Ahmanson representatives globally pointed out that they were going to give or that the total acreage to be given was over 10,000 acres. What he was not candid enough to mention is that although they agreed in 1991 to give, quote, "At least 3,025 acres" owned by Ahmanson Company in 1998, that was amended to approximately 2,633 acres of the Ahmanson Ranch. If you divide the \$29.5 million which is the total dollars by the 10,391 acres, you get a per acre value of \$2,839. So the public has already been shortchanged in dollar value, \$1,100,012,888.

What happened on September 22-23, '98 is even more devastating to the public parkland. On that date there was a so-called easement agreement entered into by which Ahmanson received the following:

The right to extract more than 800 acre-feet or approximately 260,000,000 gallons of water from under the public open space parkland; the right to dig five additional wells; the right to construct 24 pipelines; the right to sell the water and or water rights to anyone; no payment by Ahmanson for the use and enjoyment of this water.

On October 4, 1999 in a continuing legal proceeding in Ventura County, Case Number 185363, the Ahmanson attorney admitted that Ahmanson, quote, "We clearly own the water. There's no question about that." The significant aspect is that Ahmanson has the right to take water from public open space for private development. So it was done without public scrutiny or a public hearing.

COLONEL CARROLL: Thank you, sir. Next speaker.

MR. PEARL: Good afternoon. My name is Ray Pearl. On behalf of the Membership of the Building Industry Association of the greater Los Angeles/Ventura Chapter, we would like to express our deep concerns over recently publicized efforts to politicize this permitting process. Regardless of Ahmanson Ranch's many positive attributes and the overwhelming need for additional housing, we are not here to comment on the merits of the project, per se, but rather raise the question whether undue political influence has been influenced with what should be a strict biological review.

In the development process all projects go through an intensely complex and long review process. Many opportunities exist for both project proponent and opponents to assert their opinions through public hearing and comment letters addressing the voracity of the scientific data being considered with the permit application. That is appropriate.

What is not appropriate, however, is for high-ranking politicians to attempt to influence the process away from consideration of facts to one of a popularity contest and ever changing political winds.

It appears that certain elected officials here today are attempting to intervene in the Army Corps of Engineers' consideration of this project. We are well aware that land development is not popular among environmentalists and neighboring property owners. Yet, local agencies have a responsibility to address the ever growing housing demand in this region. New projects will always come under scrutiny from opposing viewpoints after the arguments have been made by local jurisdictional agencies and the process moves to what should be an objective review of scientific data under Governing Law and Regulations. Undue pressures by elected officials is unwarranted. Accordingly, the Building Industry Association considers it inappropriate and opposes any attempt by Federal or state officials to use their political position to exert undue influence on public agencies to alter the standard implementation of their governing regulations and applications of relevant laws on a project-specific basis. Such arbitrary focus on particular projects degrades

and politicizes what should otherwise be an objective process of compiling and analyzing scientific data. The local authorities should take charge of this process.

Two more observations. Every elected official that's here today, you'll hear them preach about local government. "I hate federal mandates. Tell the state to stop taking away our money and leave our cities and counties alone." I guess they only care about local control up to a point.

Secondly, I noticed as I came in here all the kids that were out there, the under-20's raising signs. Where are those people going to live? I have two more sentences. How will those people ever afford to buy a new home if today's shortsighted leadership continues to kill housing. Why has no one discussed that fact? Thank you.

MR. COLONEL CARROLL: Next, I would like to hear from Gordon Morley, Andrew Wetzler and David Brow.

MR. MORLEY: My name is Gordon Morley. I'm president of the Woodland Hills Homeowners' Association, the San Fernando Valley Federation. We've been following this for ten years.

Under government NEPA and EIS, you are the balance in the government. We cannot trust local agencies who don't have to accept the responsibilities financially and politically for developments. Because this does involve the Clean Water Act, it does involve great problems involving water. You are the balance that we need to come in and take the political and the dollar influence out of this. There is no project that we've ever seen over the years that was ever good because it was either driven by a political entity that had no responsibility and absolutely only jurisdiction over a small area and everybody else had to pay for it. We have never seen where money bought it where the development has not been expensive to the taxpayers of the whole country.

This one, as it proposes once again, will redesign the land. What fits on a piece of paper is not something that is generally good for the overall community and area. You need to look at it very objectively because if we continue to pay for cleanups and messes because somebody wants to make a dollar and a political entity is not responsible for it, it will only get more and more expensive. It's time to do planning well. It's time to bring in the check and the balance and not have the problem as we have in Ventura County. You're distanced from the problem. It makes it very ideal because you don't have to deal with the impacts. Thank you.

MR. WETZLER: My name is Andrew Wetzler. I'm an attorney with the Natural Resources Defense Council. I had prepared a formal statement today. Can you hear me? I'm not going to read that statement. Instead I'll just incorporate it by reference from statements you've already heard by Heal the Bay and Santa Monica Baykeepers. What I do want to do is to take my limited time to respond to the statement by the Fish and Wildlife representative, which I found to be the most narrow, inaccurate statement from a representative in one of these public hearings.

It seems the Fish and Wildlife Service is the only Federal agency, indeed the only person in this room that is not aware that the tidewater goby is also affected by this development. That's surprising since the tidewater goby is under their jurisdiction. The courts have clearly interpreted the Endangered Species Act to require the Corps to examine and the Fish and Wildlife Service to evaluate the downstream effects.

The second thing that the representative from the service did not mention is another provision of the Endangered Species Act, the Critical Habitat Provision. The act requires the service to designate critical

habitat for all species listed. In fact the Fish and Wildlife Service is under a court order. I have a copy of that court order to designate critical habitat for the red-legged frog, a proposed designation no later than August 31st of this year.

We would urge that the Corps not make a decision on this permit until the critical habitat is designated because there is no conceivable way that that designation will not include significant portions of this property. The Endangered Species Act forbids the adverse modification of any critical habitat which brings up another topic, that is, the steelhead trout.

There has been a critical habitat designation which includes all the Malibu Lagoon and Creek running up to the dam. The Corps must also assure itself that the proposed work will not adversely modify any of that critical habitat. I would urge them to formally consult with the National Marine Fisheries Service which administers the trout but are not present here today.

I would like to hand this to the hearing officer now and put it into the record. That concludes my statement. Thank you. (The aforementioned document referred was identified for purposes of the record in this public proceeding.)

COLONEL CARROLL: Next is Steven. I'm not sure on the spelling here, Steven V. Greenbaum, Conner Everets and George Metzger.

MR. METZGER: Hi. I'm George Metzger. I live in the scum-creek neighborhood around the corner where it backs up to the Malibu Creek. I'm concerned about additional watershed coming down Malibu Creek. Our neighborhood is only inches above the hundred year flood plain. I feel like the additional water coming into the creek is going to raise the flood plain and our neighborhood will be flooded. I urge you to reject the development. Thank you.

COLONEL CARROLL: Richard Anglo, Patrick Rogan, Doreen Kaiser.

MR. ROGAN: I'm Patrick Rogan. I'm a Malibu resident. I'm former president of the Malibu Surfing Association. I'm a member of its board of directors. I'm a lifelong surfer and I speak on behalf of our club. I speak on behalf of all California surfers who number approximately three million. I speak on behalf of surfers throughout the world who revere Malibu Surfrider Beach.

Malibu Surf Rider Beach is one of the preeminent point breaks on this planet. It is a national and international resource. It is the most wonderful, perfectly formed wave in the world. This location fronts Malibu Lagoon. Surf Rider Beach and the break there are adversely affected by a number of things the principal of which is the increased flow in Malibu Creek which has been occasioned by the devolving which has occurred over the years. Every additional home exacerbates that problem. We and a number of us that serve on the committee have been working to avert the adverse impacts including the impact at the sewage treatment plant. We hope with continued work that that inappropriate location will be removed. We also are extremely concerned over the lack of oversight by the Corps of Engineers and planners, particularly those in Ventura who did not have the foresight or the perspective to see how this project would adversely affect directly all the downstream resources including our precious surf point.

I strongly urge the Corps of Engineers and the other public officials to carefully consider that impact, consider your children, your neighbors and the people throughout the planet who revere this location and want to see its physical configuration remain the same as well as see to it that those persons who are in the

water and have the contact, bodily contact with that water, are not affected by pollution, runoff, the oils and the other problems associated with downstream pollution. I think Yaroslavsky stole some of my lines with his comments. As the Corps would not consider damming up the rivers in Yosemite Valley, they shouldn't consider this same process. Thank you.

COLONEL CARROLL: Dorian Keyser, Mary Edwards, Daniel Gonzalez.

MS. KEYSER: I'm Dorian Keyser, the vice president and chair committee of the Santa Susana Park Association. I'm not going to repeat a lot of what was said or any of it except one thing: You need an EIS. This testimony supports this. You must have one. Now, some things that have not been discussed:

Number, one: One exit from this project goes to Victory Boulevard and then into Los Angeles. That can't be stopped. The City of Los Angeles tried to but there had been an easement granted many years ago. Victory Boulevard goes this far from the borderline but the project can go through there, through residential neighborhoods. So some of this huge traffic is going to go through there and nobody has mentioned that. The archeology nearby in Rocketdyne, there's a special rock art site, which is also a winter solstice indication, and they are working to get it to be a worldwide heritage site. Where is the archeological surveys in detail of this project? This is a huge place. There's archeology over the mountains. Now, yes, they've had Native Americans involved but these are not the real archeologists that are experts in it. They know a lot and they need to be a part of it but there needs to be a detailed study of the archeology findings.

We're still finding things all over the place in the Simi hills. Rocketdyne nearby is polluted. It has both radioactive pollution and chemical pollution. Some people think that some of that goes into the Ahmanson. Now, there needs to be a detailed survey to find out if this is true or not. Save Open Spaces, for example, says it is. Now you need to find out. And this needs to be done before any development can happen. Thank you very much.

MS. FEUER: My name is Margot Feuer. I'm on the Board of Directors of Save Open Space. I shall address my remarks to whether the project is deemed to be not contrary to the public interest. As you have so eloquently heard, this project is so appalling and detrimental to the public interest that it is a disaster waiting to happen.

Runoff brings me to my next concern. I'm selecting various parts of my statement. How the developer quantified the Q in Las Virgenes Creek county line. I have a relic called the Malibu Master Plan of Storm Drains, the calculations of which are based on a density of one unit per four acres and a storm frequency of 25 years. The Ahmanson figure seemingly taken from this publication are based on a 100-year storm. The project site is 2,800 acres. The density on the ranch includes 140 acres of roads adding up to 1,495 acres of impervious surface. The developers say even though the project development will increase the peak storm flow from Ahmanson by 300 CFS, the downstream flood control system provides adequate flow capacity. Again, the Malibu Master Plan of Storm Drains for a peak 25-year storm calculates the Q at the county line at 9,860 CFS. The developer says a 100-year peak with existing undeveloped conditions causes a flow of about 6,900 CFS. After development, the unmitigated peak storm will be 7,200 CFS. Ergo, the development had generated 300 C F S. There is great discrepancy in the numbers. That must be verified.

Downstream Malibu Creek has already suffered the ravages of high intensity storms. I have done a very crude analysis, a very crude overlay of the two golf courses on the Corps' jurisdiction of waters. The Corps' project description on page four on the bottom says, "No grading for the golf courses occur in East Las Virgenes Creek." That seems a physical impossibility as the East Las Virgenes Creek bisects the tournament course and most of the west course.

Now, one final sentence I would like to read, and it goes as follows: "In closing, nothing could be finer than to have Washington Mutual, a recently arrived California corporation from the State of Washington decide that the Ahmanson Ranch 5,400 acres of historic landscape of rolling hills and glorious oak trees with the third largest remaining community of needle grass..."

COLONEL CARROLL: That's a long sentence, ma'am. Please finish.

MS. FEUER: This is my last sentence. At any rate, let me get there. "To discuss this natural indigenous unique treasure must be added to the National and State Park legacy in these mountains." I thank you.

MR. GONZALEZ: Good afternoon, Colonel and members. My name is Daniel Gonzalez. I'm the president of the Ventura County Mexican-American Bar Association. We serve all the Ventura County and we fight for the rights of people everywhere. We fight any injustice in regard to that. I, again, thank you for listening to us and affording us this forum. I also would like to thank Congressman Brad Sherman for holding this. He has proved to be a champion for the environment in Ventura County.

We see a need for the impact study. I agree with what has been said before. You've already heard it and I don't want to repeat it. We do want to stress that this area is too precious, too delicate and too great a loss if it is not allowed to have further public input. For that reason alone, we urge you not to issue the permit at this time. We feel the public outcry. Those people including the young people where someone referred to, "Where are they are going to live?" They want to live someplace where there's quality, they want quality water and air and quality of life.

Unlike some of the speakers you've heard here today, I've been a resident all my life. I was born in Simi Valley. I was down there and saw what was happening at Rocketdyne. I remember the emergencies when there was radioactive accidents that occurred. Everybody talked about it as being a secret plant. We knew what was going on. I applaud Sheila Kuehl for doing the study that's going to expose that. But from this instance we need to have this environmental study.

In '92 when our board of supervisors first addressed this issue that there was a public outcry, that was the tip of the iceberg. What you see here is a bigger tip of an iceberg. Yes, Washington Mutual is a large corporation from out of state and the Ahmanson Development is a huge, huge project with a lot of money. A lot of money. It's a huge ship and that's just the point. What you see here in this public is a tip of an iceberg and the Ahmanson development is the Titanic.

We urge you to demand the study and give the public its due and follow process. Thank you.

COLONEL CARROLL: We have an elected official who has showed up. Linda Parks.

MS. PARKS: Thank you very much. I would like to thank Congressman Sherman for his continuing champion of the preservation of our environment. I want to thank the Army Corps of Engineers for having this public hearing. I want to thank Mary Wiesbrock for dedicating a fifth of her years on earth fighting this project. I want to thank all the people that are in this room today. I can't tell you how heartening it is to see so many people.

I got involved in this process over a decade ago and commenting on the EIR, particularly, the traffic impacts where the EIR stated that tens and thousands of cars will hit the 101 Freeway and yet there's no mitigation to add more lanes. I guess we all have to live with that traffic. But we didn't have all these people then. I think one of the main reasons for that is the people in Los Angeles County were unaware of this project at the time it was approved. I think I'm the only elected official who lives in the County of Ventura that is here today. You're not going to see city council members from Fillmore or Santa Paula or Ventura here. I don't think they know where Ahmanson Ranch is. This is definitely a project that is impacting mostly Los Angeles County. But the impacts are shared. It's all our air shared. It's the traffic we all feel. I'm a planner and I notice that the Ahmanson Ranch developers have indicated they won an American Planning Association award. I want to comment, the judges for that award were staff members in the County of Ventura who approved the project.

We wonder why is the red-legged frog here? Why is the spineflower here? And I think the answer to that is there's nowhere else they can be. This is our last open space area. It connects the San Fernando Valley with the Conejo Valley. The environmental impact is needed and it needs a broader scope than just the creek. For example, at the time the EIR was prepared, we didn't know about the off-site contamination from Rocketdyne. We need to have not the developer test the soil and the water, we need an independent test of the soil and water when we're going to start grading an incredible amount of land, when you're going to be taking water out of the creek. Even though they are in parkland creek and you're going to siphon that water out for irrigation, we need to know that that's not contaminated. There is no doubt that this project will degrade the creeks. I think that it is definitely for your agency to assure that we continue to have clean water in the creeks and contamination.

I would just like to leave with one thought. If not now, when? If not here, where? We must protect this land. Thank you very much for your time.

MS. CASAVAN: Hello, my name is Carolyn Casavan. I'm here representing the Valley Industry and Commerce Association also known as VICA. I'm here in support of the Ahmanson project.

VICA is a private nonprofit nonpartisan business association which currently represents more than 300,000 employees in the Southern California region for over 50 years. VICA has worked to encourage the economic vitality and growth of the San Fernando region. VICA supports the Ahmanson Development because it strikes a balance between Southern California's need to accommodate growth while providing natural resources. We are facing a housing shortage. This project will provide 3,000 badly needed homes. We realize residential development poses environmental challenges. This has been recognized for its environmental sensitivity.

The project has served as a catalyst for the transfer of 10,000 acres of land to the public for open space. This is the largest addition to the park system by a developer of more than 100 years. This is important and should not be forgotten.

We understand that the Ahmanson Ranch Company will invest more than \$14 million dollars in regional circulation improvement. Of that \$3.6 million is expected to be spent in Los Angeles County with \$1.6 million specifically dedicated to the City of Los Angeles. In order to assure that these funds are spent appropriately, VICA has asked that the city establish a restricted fund to guarantee that traffic fees to the project will be devoted to traffic improvements. The project will provide badly needed housing close to regional job centers. It will provide economic benefits to San Fernando Valley and Los Angeles. The developer has gone through great lengths to mitigate potential impacts on the environment and surrounding communities.

We urge you to proceed with the permit process for this process. Thank you.

MS. BOEHM: My name is Penny Boehm, president of the Ventura County Economic Development Association more commonly known as VCEDA. VCEDA was established in 1949 to foster and develop a favorable climate for business and Industry in Ventura County, providing an area for positive locations for business, quality development with a diversified economy and quality of life. I took that from Articles of Incorporation which is now 30 years old.

Now maybe I'm missing something here this morning with all this political persuasion and influence. I thought we were here to talk about less than five acres for which you the Army Corps of Engineers has authority to determine whether or not this project complies with the Clean Water Act Section 404 guidelines.

What I've heard this morning is thousands of trips on Highway 101, tons of dust and dirt, loss of oak trees -- I would suggest to you to really check the number of oak trees that were mentioned earlier for removal -- paving over hills and streams. Gentleman, we are here to discuss five acres and whether or not this project complies with the requirements to which you are by law to adhere. That is the purpose of the hearing. Our own congressman in a letter signed by numerous other elected officials appears to question your ability to fairly judge this project as I read the letter to USEPA, Region 9. Do not let this political pressure force to you stray from the course of integrity and professionalism and your reputation of evaluation based upon science and fact.

We are talking about five acres, 2,800 acres. Let's talk about Ventura County for a change in a positive way. It is in Ventura County? We have a housing crisis in Ventura County. There are waiting lists for people to rent homes. The prices are very high and any new development when there is one is usually met with a line of people waiting for a chance to move their family into a home. We have a new Cal State University, Channel Islands coming on line. Where in the world will these people live? Where will the employees live? Where will the students live?

Doesn't anyone care about the job housing balance which currently exists? Doesn't anyone care about the proposed stellar community that we hope to build? Doesn't anyone appreciate that the people through the vote of their elected body, the Ventura Board of Supervisors, has approved this project which has substantial public benefit adding jobs and much needed housing and acres of open space. We are talking about less than five acres, gentlemen.

I will not take any more time. I would like to thank you for your time and I would like to allow more time for others since you are extending. Thank you for your courtesy.

MR. THOMAS: Good afternoon, gentlemen. My name is Jess Thomas. I'm the president of the Las Virgenes Homeowners Federation, a group of some 21 local homeowner associations that represents some 20,000 members.

I think I would like to start off by reading just a couple of paragraphs from an article in the L.A. Times on Friday which says:

"Citing California's failure to adequately protect its beach waters from pollution, the U.S. Department of Protection Agency is considering forcing the state to enforce urban runoff clean up measures in all of Los Angeles County."

I won't continue with that but that was a point of education to us.

Our regional community has been concerned with pollution of Malibu Creek for years. In the early '80's an inquiry was initiated to determine the nonpoint sources of contaminants by the Resource Conservation District of the Santa Monica mountains. Your completed environmental statement almost substantiates that

earlier work. Let the public know exactly how a new development will effect the efforts to clean up this critical waterway and keep it clean. We thank you for your consideration.

COLONEL CARROLL: Next up are Dan Silver, Susan Suntree and Mary Altmann.

MR. SILVER: Good afternoon, Colonel. I'm Dan Silver, coordinator for the Endangered Habitats League. We're a Southern California organization dedicated to ecosystem protection, improved land use planning and conflict resolution. We work on large scale habitat conservation plan in the five counties of Southern California. I'm here today to provide a regional perspective on this matter.

Our conclusion is that the Corps should approach this site with absolutely maximum caution due to its extraordinary high ecological significance. I don't want to reiterate what others have said. A couple of things that haven't been stressed so far are the native grasslands on the site, which are one California's most depleted plant communities. It hasn't been stressed that the site is integral to wildlife movement. Given these resources, I think it's clear. There should be a project EIS. However, I want to ask that when you consider the loss assessment, that you do a full functional assessment of wetland's functions and values. These are increasingly implored by the Corps and are needed in this case. Thank you.

MS. SUNTREE: Good afternoon. I'm Susan Suntree. I'm a member of the Board of Directors of the Wetlands Action Network which is concerned with the interaction of the wetlands along the Pacific.

I'm reminded that this issue is almost identical facing the biota wetlands. About a year and a half ago a Federal judge, Richard Lou, determined that in a case where there is this magnitude of development and this amount of scientific controversy that an environmental statement is required. This was the Federal rule. Until that ruling is either overturned, it stands. It hasn't been overturned. That means the Army Corps of Engineers is required to follow this ruling.

I'm also here as an educator and a writer about landscape history in Southern California. I'm concerned about the loss of archeological resources on the Ahmanson Ranch. For example, there are cemetery sites, one of the most geographic sites in Los Angeles and the Laskey Mesa, which has been identified in the environmental literature as having settlements from the early periods, which means now 6000 BC. Lately the entire history of North America has become controversial and Southern California has become one of the important sites in reviewing how North America was settled because we have a few of what are called these early period sites. None of the carbon technology that is now available within the last two years has been applied to the Laskey Mesa site. The other early period sites, the few that remain in Southern California, have been pushed back to 9000 years or earlier making it only and most importantly Pacific Coast sites that tell us not just the history of Southern California but the history of North America.

The Laskey Mesa would be entirely bulldozed. This land is a textbook that we just barely know how to read. Please don't burn this book. Please allow an impact statement so we can at least know what's at stake here. Thank you very much.

MS. ALTMANN: Good afternoon. I'm Mary Altmann. I'm really thankful that you're here today to listen to our comments because as you see, I think the public has been very frustrated with this process from the start.

From the beginning the fast track of the Ahmanson Development never gave enough time for environmental review. In fact the Ahmanson Development has been a bullet wound in the public's side



since its inception, the worst of bad politics and greedy favors. The public paid \$16.5 million dollars for Jordan Ranch, a property landlocked and zoned for 17 homes. The public paid \$10 million toward the purchase of Runkle Ranch, a developer's rocky nightmare and Corral Canyon so environmentally sensitive it was denied approval for less than 20 homes. In addition to getting ripped off with these bad deals, we got the further insult of the upzoning of Ahmanson to 3,050 homes, 2 golf courses and commercial development and a property zoned open space planned for 34 homes as dictated by the most restrictive interpretation of the general plan.

Proposing to build on the last two percent of our remaining grassland we have left in our state is a huge warning signal, this development will totally destroy Laskey Mesa and obliterate Malibu Creek watershed and destroying forever the endangered habitat it provides leaving pockets of a dying ecosystem as open space. The corridor theory is just that, a theory that may or may not save a few strains of endangered wildlife. Ahmanson theorizing all the animals will run to Malibu State Creek Park through the mountains is like hoping the strings of a marionette won't break. It is not realistic to even think this development will allow for the continuance of endangered species and wildlife as we know it.

With the EPA requirements of no more pollutants in our stream and waterways, you have as we see, the job of denying a permit for this development. The developers are not nearly as much of your clients as the American public and future generations who deserve a chance at clean water and air and a healed earth. We need this type of redevelopment in our cities, not the bulldozing of our last native California wildlife.

MS. VAN SANTON: My name is Kiri Van Santon. I'm from Roots and Shoots. Why do we have the right to kill all these animals and destroy their houses forever? What makes our stores and streets more important than their homes? We already have too much stuff that we don't need. Please save Ahmanson.

COLONEL CARROLL: Ed Begley, Jim Edmondson, and Victoria Wiley.

MR. BEGLEY: Thank you, Colonel, for being here and all your staff and the Corps. I'm sure you recognize the hat I'm wearing. I wear it because of the incredible work we've done like Friends of the L.A. River and you folks at the Corps. There has been a change in the paradigm over the years. We've all learned with the best of intentions and the best science in the '30's when we had loss of life and flood. The decision was made to channel the L.A. River. There was no argument about that at the time. It was the best idea at the time. We know a lot more now and the Corps knows a lot more.

The Corps has been terrific and I want to come up and say I urge you to file another environmental impact statement. I'm confident that you will. I've seen from the Corps' incredible work they have done in the environmental community. Thank you so much.

MR. WESTIN: Good afternoon, Colonel Carroll. I'm Steve Westin, one of the attorneys for the Ahmanson Land Company. I'll be very brief.

The issue which has been addressed by numerous speakers today has to do with the propriety of preparing an EIS as opposed to an environmental assessment. I need not take the time and review the law with you, you have certainly very learned staff, nor to debate the merits of what those cases and the law mean. I do suggest to you, however, that there is plenty of precedent that supports the decision that you ought to make and that is an environmental assessment based on the best scientific evidence that is appropriate. I also think that the demand to prepare an EIS overlooked the fact that the County of Ventura will be doing its

own full environmental review in accordance and certainly that is information that this body of the Army Corps of Engineers can take advantage of. I thank you for your time and look forward to your decision.

MR. EDMONDSON: Good afternoon, Colonel, my name is Jim Edmondson. I'm here speaking on behalf of the Southern California Steelhead Recovery Coalition, a newly formed group of 33 national, local, state environmental, surfing, commercial sport fishing and recreational river groups. I'm honored to be able to share with you the views of these groups that have over 229,000 Californians amongst their members and a million nationwide. In the interest of time I'm not going to repeat many of the statements dealing with the upstream effects upon endangered species that reside downstream.

Colonel, I did bring a picture of the most imperiled cold water fish in our country, the southern steelhead which has the parent genetic material for all rainbow and steelhead trout in this planet. It is critical that your evaluation committee process give full consideration to the projects effects upon this fish. Here's why. Section 101(c) of the Clean Water Act is the preamble statement dealing with the intent on behalf of the American public and the nation's waters. 101(c) states, "Amongst other things that all Federal agencies, actions and committees should be consistent with maintaining the biological integrity of the nation's waters."

It's an oxymoron, sir, to be able to consider a water biologically attacked when it has nothing but endangered species. We're looking forward to working with you in the committee process. We call with others for a full EIS that reveals the full effects of the program and allows you to be able to reach a conclusion whether or not this warrants a permit. Thank you.

MS. WIKLE: Hello. I'm Victoria Wikle, vice president of Conservation for the Santa Monica Chapter and the California Native Plant Society. We would like to thank you for holding this hearing and giving us this opportunity. My statement is actually five pages long. I'm going to give you a written copy of it. I'm just going to briefly make five points now.

I'm here to give you some new information regarding an increased fire hazard that could be a result of this project. Increased fire hazard in the lower watershed could occur because of increased traffic and resulted increases in air pollution. Dr. Allen, a national resources specialist from the University of California of Riverside has done studies that show that dry deposition from air pollution during the water cycle causes nitrogen build-up in the soil. The buildup is associated with the loss of our native plants and increases in non-native exotic grasses. These non-natives are highly flammable and their presence increases the fire danger. The native plants in the Santa Monica mountains are fire adapted but the non-natives would increase the fuel load creating excessively hot fires that are a threat to humans, other inhabitants of the mountains and disrupt the natural cycle of the native plants. We have experienced more frequent fires in recent years. And now the research tells us why. There's a link between pollution and fires. It has been documented and I would like you to please consider this as part of your study.

I would like to talk a little bit about the spineflower. We've found this plant just recently. We don't know very much about it. It is an annual plant. Annual plants tend to move around. They don't come up in the same spot every year. So in order to ensure that this plant that we just found in 1999 stays with us for a while, we can't consider destroying the habitat that it may need in order to survive. And another point I would like to make about this plant is collecting seeds from it as a mitigation measure does not really do anything but complete the seed bank. So it's not a productive way to go. I would ask you to urge the U.S. Fish and Wildlife Service to list the spineflower immediately. CNPS urges the Corps to federalize this project so you can take jurisdiction.

You heard about all the problems we have politically in this area and we also ask you to prepare an environmental impact statement. Thank you.

COLONEL CARROLL: Gordon Morley, Lee Katz and Victoria Wikle.

MS. STOUT: Gordon Morley already spoke and has gone home. I'm on your list.

COLONEL CARROLL: Having already taken the floor, madam, would you continue.

MS. STOUT: Thank you very much. I'm Marilyn Stout. I'm a journalist. I thank you for being here. I'm glad that the Army Corps of Engineers was also listening to people who want to protect the Santa Clara River. I oppose the Ahmanson development. I oppose support ranch development and I oppose the whole idea of new land and farming and building 20,000 houses in North Los Angeles County on Route 5.

There are several things that are causing problems for us. The first is that large-scale developers and land monopolies dominate politics. A second problem is that people need campaign finance reform. So I would like to suggest that there's some material you can read. One is a little book we've prepared that's titled, "People, water, land and the need for campaign finance reform."

This summarizes two books. And the Newhall Ranch Environmental Impact Report was excellent. It was changed into a development agreement that gives the developer all the advantages and the public all the bills.

The final thing I would like you to have is a 27-page summary of a very important book. It's called "Water Supply, Economics and Technology and Policy." May I give them to you now? Thank you very much for coming. I hope you do the EIS.

COLONEL CARROLL: Peter Hayden, Richard Ambrose. Jim Edmondson we already had.

RICHARD AMBROSE: Good afternoon. My name is Dr. Ambrose. I'm a professor at UCLA. I've also been a league scientist on two studies looking at environmental problems in the Malibu Creek watershed including a study recently completed for the California State Conservancy where we looked at the cause of environmental problems in the watershed and evaluated different management approaches for solving these problems.

Malibu is impaired by upstream activities including excess water and nutrients. As you've heard from other testimony today, there are at least reasons to think that the impacts of the Ahmanson development will be significant. We need a full EIS to determine what they will be. Also, earlier an Ahmanson representative mentioned the Draft Resource Management Plan. I've had a chance to review this plan and also as several speakers earlier mentioned, this plan is incomplete in critical areas and it does not provide enough information to determine the extent of the impacts or whether the mitigation will actually be adequate.

And, again, I think we need a full EIS to provide this information. I'm an expert at wetland mitigation and I'm especially concerned about the way wetland mitigation is dealt with and the Resource Management Plan. The plan seems not to recognize that the success of wetland mitigation is uncertain. Now, a recent study done by one of my students found that none of the riparian mitigation projects that are in Section 404

in Orange County were successful at replacing critical wetland functions. So we can't assume wetland mitigation will be successful.

I just want to conclude by saying, again, I think we need a full EIS in order to address these issues. Thank you very much.

MR. HAYDEN: Good afternoon, Colonel, my name is Peter Hayden. I'm an environmental consultant with Kleinfelder. My firm was retained by Ahmanson Company to perform an environmental assessment for soil and surface water in the Ahmanson area. My firm is also under the employ of the County of Los Angeles, the City of Los Angeles. Our study was formed by registered professional engineers, registered geologists who have their licenses at stake for the veracity of the information that was collected. We performed an independent evaluation of potential contaminant sources. We collected six water -- I'm sorry, six soil samples, three water samples, throughout the area. We performed over 17 individual tests for 200 constituents. Our evaluation has shown that the soil constituents found are well within the range of California and Federal standards both in the soil and the water. The constituents we found are well within the background levels documented for California and the United States. As a result, we find no evidence of contamination from the Santa Susana Field Lab. Further, we've compared our study results to a letter that was produced by Masry and Vititoe, I believe is the pronunciation. They collected soil and water samples at a point that was one and a half miles north of the Ahmanson Property and also one and a half miles south of the Santa Susana area. Their analyses were performed for similar contaminants or similar constituents as ours were. Our numbers compared favorably. They are both within the same ranges. Our numbers are within background levels for the State of California for the United States. What they did find were trace levels of two solvent compounds, dichloroethane and trichloroethane, which are very low in concentration. In fact the concentrations are so low they are within the State of California drinking standards meaning somebody could have drunk that water that even though it had those two solvent compounds. Our evaluation shows none of the parent compounds and none of the daughter compounds that we would expect to find. If there had been a release from Santa Susana as a result our conclusion it would be that either the contaminants that we found were a result of poor quality assurance or sample preparation or there was direct release of those contaminants at that location. Thank you very much.

COLONEL CARROLL: Heather Balsavage, Jody Hayes, Ken Wikle.

MS. BALSAVAGE: My name is Heather Balsavage. I'm the president of the Environmental Awareness Club at El Camino Real High School in Woodland Hills. It's a sick thing when an out-of-state corporation can come into our community and pollute our environment. This madness must be stopped. I'm the president of the Environmental Awareness Club and on behalf of the club, we urge the Army Corps of Engineers to make the right decision today because in 20 to 30 years from now we're the ones suffering.

As for the comment made earlier, "Where will the kids under 20 be living?" We won't be living on the Ahmanson Development Project. We're going to be suffering from the consequences of the project. We must not allow this to take place. Thank you.

MR. WIKLE: Good afternoon. I'm Ken Wikle. I'm representing the Cold Creek Community Council. Cold Creek is an area just south of here. It lies just south of the City of Calabasas and just north of the community of Monte Nido. Malibu Creek State Park is our local park. We are very concerned about the quality of the water in Malibu Creek. We've heard a great deal of testimony from people with very impressive qualifications regarding water quality and so forth. It looks like what it boils down to in terms of the quality of the lower watershed is this: We have a project here where there's going to be enormous amounts of

grading. Material is going to be put into the upper watershed. Then the entire area is going to be planted with non-natives which will require soil amendments, herbicides, pesticides. Those areas are going to be irrigated. The water flow in the upper watershed is going to be increased. There's going to be outflow of a sewage treatment plant that's going to be into spraying fields and so forth.

We are told by the applicant that the water quality and quantity in Malibu Creek is going to remain unchanged and as pristine as it is today. Quite frankly I find that a very dubious claim. I might be proven wrong in the long run but I submit to you that the burden of proof should be a high burden of proof and that this evaluation should be made pursuant to a full environmental impact study. It should not be done by a negative declaration. It should not be done on the representation of the applicants and their hired guns. Thank you very much.

COLONEL CARROLL: Fran Johnson, Joe Behar, Cindy Bond.

MS. HAYES: Hi. I'm Jody Hayes. On behalf of myself as the president of Save the Conejo 2000, I would like to thank you for holding this public hearing.

I have a question. What does protected or endangered mean when it refers to a species of plant and animal? Does it mean it's safe until some developer with a lot of money, some planners come along and changes the attitudes? They are trying to put this project into several different areas so the true impact of their project is not really noted. I'm also -- and this is a surprise to some people -- I'm also a real estate agent and I feel that I have a duty to represent my clients that I sell homes to in this area. I'm selling this way of life and I'm also selling the environment. I've been a resident since 1980 and I've seen changes that are going on here that are astonishing. How many people will be forced to sell their homes that live in this area right now due to the impacts of the extra drive time and the traffic and the congestion and the pollution that will be affecting their lives? I have clients that are already driving an hour to an hour and a half each way on the freeways. What do they do? Do they just say, well, I don't care if I see my family any more. I'll just go for the three hour drive each way. This is just horrendous. It's not something that's really acceptable and I believe that the Army Corps really has to legitimately look at the extra traffic and congestion on the freeways.

Above that, I'm an environmentalist, the destruction of our wildlife habitat, our wetlands and as was beautifully stated earlier our Grand Canyon is inexcusable. What about the magnificent oak trees or is the mitigation going to be, let's take them out and we'll plant 15 inch twigs instead. Is that really going to replace what will be done or what is being done by each one of those trees? What we are going to do is leave for future generations a sick concrete planet. I don't call this development. I call this death-development.

I urge you to please, please do a thorough and a complete EIS that incorporates all of the new information and all of the new impacts that are currently being discovered and have been discovered. Thank you.

MR. BEHAR: My name is Joseph Behar. I'm the president of the West Valley Community Coalition, 5,000 homeowners on the eastside of the Ahmanson Ranch. I represent the men, women and children that will be breathing the 200 tons of airborne dust that will be created by dynamiting. I represent the men, women and children that are going to have to breathe in the toxic pollution that will be created by the diesel fumes needed to do a monster project of this size.

If they think their project is so good, why are they so afraid of doing an EIS? They have things to hide and lies and misrepresentations. We're going to be living with a muck in the gridlock and they are going to be living the high life. I ask these gentleman to consider every single bit of testimony here today because we have better things to do in our lives than to have to spend it being here. And you have better things in your

lives to do. But we're here because we're protecting our communities, our neighborhoods and our environment. These guys, they pull every trick in the book and they use their money to buy everybody. We're going to fight them until hell freezes over.

MS. BOND: Hi, my name is Cindy Bond. I'm a resident of Hidden Hills and I'm mother, a wife, a concerned citizen. As I'm reading your Corps of Engineers Notice, it says plainly here that the whole purpose of you evaluating the issuance of a permit is to determine the need and welfare of the people as this project would impact our communities. I don't know if you're aware but my son goes to school at Grand Meadows which is over here. He's nine years old. I don't know the name of the development but they've been doing a lot of grading. The grading has come up against the back of the school. Well, the teachers have filed some serious complaints with I guess the community and law enforcement because the children have been suffering. They've been suffering effects from this grading. That grading is just minor grading compared to the grading that the Ahmanson proposes. They are going to dynamite 135 feet of fill. I mean, we have Santa Ana winds. I live in Hidden Hills. I enjoy the lifestyle. I can't imagine a day where the Santa Ana's are blowing and all this 40 million cubic yards of dirt are going to be up in the air. Also the amount of trucks that are going to have to come into the development to build this, I mean, the diesel fuel alone and the car pollution.

It's a big picture. It's everything. It's not just isolated and I think that the moral responsible thing to do here is to do an EIS. I think that is something that if it's not done, whoever doesn't do it is going to have to live with the moral knowledge that they didn't do that and our children and our family and grandchildren's lives depend on it. Thank you.

COLONEL CARROLL: Alyse Lazar and Ted Rosenquist.

MR. VENTENBERG: I'm speaking on behalf of Alyse Lazar. My name is Dave Ventenberg and I'm Ventura County resident.

I'm here to request that the Army Corps of Engineers not issue any permits to Ahmanson until a broad-base environmental impact study is performed on the entire area effected by the development including that property directly adjacent to the development area in which Ahmanson and its alter ego land company deeded to the MRCA in the fall of 1998. This property included the main channel for the Las Virgenes Creek. The reason for this request is that in court proceedings held in Ventura County on October 4, 1999, the attorneys of the Ahmanson Company admitted for the first time that the Ahmanson had in fact required all of the water rights to the property before deeding to its MRCA for a wildlife corridor. These lawyers stated that the project could not be filled without the use of the water contained in this publicly dedicated open space. And they did not deny that the easement that they now own is Ahmanson's right to use subsurface water from Las Virgenes Creek for benefit of the project since it has never stated in the EIR the general plan's specific plan was the development agreement that Ahmanson would own this water rather than MRCA.

The environmental impact of the project used for this water by Ahmanson have never been studied. This includes the recommendation for rebuilding a well number one which is located in the MRCA property. No one has ever determined the source of water going into the well or any other 11 wells which Ahmanson apparently intends to construct according to the pointed agreement. No one has ever determined the impact on the animal and plant life that reside on this property. Once displaced from the development area, Ahmanson proposed use of this water. The uses include pumping out an unlimited supply of water as well as injecting water filled with chemicals from the golf course and other development areas back into the sensitive environment. Most importantly, no studies have been done to determine the safety of using the

various sources of water for an MRCA property on children's playgrounds, golf courses and other public areas.

Since this property is adjacent to Rocketdyne, creation of rocket fuel that has been found in Las Virgenes Creek is incumbent on the Army Corps of Engineers to thoroughly study this off-site area in order to protect the citizens of the state as well as its natural resources. Thank you.

MR. ASHBEY: Hi. My name is Linden Ashbey. I'm speaking for Ted Rosenquist. A lot has been said today and I can't add a whole lot to it. We're asking for you guys to do another EIS, a complete one, an independent EIS. What Washington Mutual has done is like asking the fox to guard the henhouse. It's pretty pointless. As far as the small scale, the small picture, she says we're only looking at five acres. You know and I know that the big picture is what's important here. You're talking about eight years of grading, stirring up God-knows-what out of that soil. You're in the army. Part of your job is to protect the citizens of the United States. We need your protection. We need you to do this. Thanks.

COLONEL CARROLL: Penny Salzman, Debbie Rosenquist, Paul Nicholson, Eve Wagner. Nancy Mandell.

MS. WAGNER: Good afternoon. My name is Eve Wagner and I'm a resident of West Hills, California. I've lived here ten years. I want to thank you for the time here and running over.

The reason I'm here is I'm deeply concerned about this project. A lot of comments have been made by Washington Mutual about the politicians that have been paid off or influenced and they shouldn't influence you. We as citizens have spent an awful lot of time trying to get the politicians to become involved to fight for us. They are here representing the people who are deeply concerned about a lot of issues. They've also tried to minimize the traffic concerns and the pollution concerns. I commute right now to Century City. When I moved here it took me about 45 minutes. When they built about 200 homes or 300 homes off the Valley Circle Boulevard, my commute increased by about 10, 15, minutes. What I'm concerned about with respect to the traffic is if it was 300 homes that increased my commute by 10, 15 minutes, what are 3,000 homes going to do when you add all of the truck and construction workers and the people that moved here. Right now because of the elementary school in the morning, you cannot get down Valley Circle. It takes you 10 minutes to get through the traffic. You're going to have all these people dumping onto that street. No one is going to be able to get anywhere. These are real concerns. They are affecting everybody in this community.

We moved out here because we really enjoy the quality of life. We have no open space left in Southern California. There's so little left. I urge you to walk Ahmanson, look at Ahmanson. We would love to have it as a park in our community. We have so little parkland. Please evaluate all of the issues. Please look at Rocketdyne. We don't want to suffer for pollution. If there is some, let's find out about it first. Let's not find out about it 10 years from now when people start becoming ill. Thank you so much for your time. I implore you, please do an environmental impact statement.

MR. PONTOPPIDAN: My name is Eric Pontoppidan. I live at 4623 Las Virgenes Road. My back property line is several hundred feet of the Las Virgenes Creek boundary. I've lived here for 45 years. I care very much about Las Virgenes Creek. I implore you to consider all the things that have been said about the flow downstream from this project. I don't plan to talk any more about that. What I did want to mention, though, that has been brought up today is that many years ago when they created the Ventura Freeway, there were three residents that got valley fever including myself. The dust raised by this project is

undoubtedly going to raise spores for the valley fever and other people can suffer that disease. Please consider the full EIS. Thank you.

COLONEL CARROLL: Paul Wagner, Lisa Boron, Martin Boron.

MR. WAGNER: Good afternoon. My name is Paul Wagner. I want to thank you for being here. As a concerned citizen, I have very little to add to what has already been said but I do believe the traffic considerations that come with a development of this size is something that needs to really be examined. There's also the questionable soil content whether or not there's radioactive material or chemical contamination. Someone referred to it as the field of dreams. Well, if you build it, they will come. If you continue developing areas, all you're going to do is invite more people to move here. Granted Southern California is a very lovely area, that's why a lot of people want to move here, but everyone can't live here. You're going to continue building it until its going to be unlivable, to where people cannot physically move from one location to another and can't get to work, can't get to downtown Los Angeles. The issues are very real and it goes beyond just whether or not you need to have space. I mean, open space is something that needs to be preserved but it goes beyond that. It goes to the quality of life whether or not you know you can move around in the city. I want to thank you.

COLONEL CARROLL: Christopher Albright, Tracy Haynes, Carol Cantrel, Amadeo Curcio.

MR. CURCIO: My name is Amadeo Curcio. I want to commend you for taking this time and listening to all of the speakers. I am a resident of the Valley Circle Estates. Although Washington Mutual and Ventura County have so much financial gain in this project, it shouldn't be at the expense of the neighbors of Los Angeles. We find that some of the geologists here that just spoke said that all of this is close to the Rocketdyne. We come to where we see in Los Angeles where they done the same thing and built a school for \$170 million only to find out now it's all contaminated. I wonder if the same geologists have done the same thing here. They should be retested again to find out that we really have a problem. Thank you very much.

MR. VITAMANTE: Hello. My name is Bob Vitamante. I've lived in California since 1992. One thing that shocked me was the map. The map is perhaps one of the most frightening things I've seen in all the conversations. I've read about the Ahmanson. I believe this is an unprecedented project. It coincidentally deserves an unprecedented study. It should not be done on the back of an envelope. It should not be on speculation or information. I'm a financial person by training. I'm the C.P.A. I'm the president of a public company. I tend to look at things in terms of what are the specifics of the plan and program. Looking at this project right here, what are the specifics? What are some of the measurements that are going to allow you to see what's going to occur? What happens during construction and at the end? I started thinking scientific terms, things like particular measurements such as dust particles, carbon dioxide levels, diesel fumes, insecticides, phosphates. What are the numbers today? What will they be at the end of construction? Then I want to translate that to human pain. What are the cases of asthma, bronchitis, pneumonia, lung cancer, valley fever? This is going to be a huge, huge project. With the prospects of this much dust and dirt in the air during what we see here in the Santa Ana winds, I cannot envision what will occur of people getting ill having to breathe this dust. The delay in traffic, translate that into pure physical effects. I'm sure there are communities you can go to where there is certain number and a heightened level and see what the health effects are. Do those measurements and I'm sure you'll be appalled. Thank you.



COLONEL CARROLL: Dave Quinsentene, Maureen Priceman, Greg Sweel, Dan Long, Stephanie Brail, Mark Burley.

MR. BURLEY: My name is Mark Burley. I'm a resident of Ventura County. This is a project that was initiated by the Ventura County Board of Supervisors, at least approved by them, and it's significant that not one of them has shown up today. At the time their own policies, the guidelines for development, stated urban development should be allowed only within existing communities on the county plan. One of the developer-flunkies early on suggested that the people of Ventura County had supported this because their Board of Supervisors voted for it. Nothing could be further from the truth. Within a very short time after that the people of Ventura County removed the power from the Board of Supervisors of Ventura County in order to make this kind of development. I worked on the executive committee that was working for the Ventura County Soil Initiative. It was probably the last straw on the camel's back in terms of the development or allowing the board of supervisors to continue with this kind of development. I bring this up because you're in charge not only with doing an EIR and studying the environmental impacts but also in studying the public whether this is beneficial to the public interest. Well, you've seen today there's a hell of a lot of public interest in this and the interest is seeing an EIR, seeing this 404 stopped and seeing the Ahmanson Ranch stopped. I ask you to help protect us. Thank you.

MS. HARRIS: My name is Megan Harris I'm speaking for Stephanie Brail. She left. I've been a Malibu resident all my life and I've lived with the effects of Malibu Creek and Malibu Lagoon. I've been studying it. I started with one research project in 7th grade with the help of the Santa Monica Baykeepers and since then I've been involved with Malibu Creek. I'm a member of Heal the Bay team and I spend at least one weekend a month doing research in the stream. So I know there's problems in the stream from personally being there and testing the water myself.

There are many adverse health effects caused by Malibu Lagoon. My dad, Dr. Jeff Harris, has been a doctor in Malibu for over 20 years. He's called the surf doctor there. He's spoken before. He wishes he could have been here today but he couldn't. Many of his patients have suffered illnesses due to the state of the lagoon when it breaches into Surf Rider Beach. This project I'm sure would add water to the lagoon and add to those problems. If Ahmanson is claiming that it won't, let's see an environmental impact statement saying it won't. I'd also like to say that recently congress has been investigating allegations about the Army Corps of Engineers proceeding with projects, conducting feasibility studies. If it's true, and I have no idea, I want to make sure there is an environmental impact statement and it's an adequate one. Thank you.

COLONEL CARROLL: Senjeta Mytala, Jake Dean, Jerome –

UNKNOWN SPEAKER: There aren't a lot of people left. Why don't we all line up?

COLONEL CARROLL: Who here wishes to make a statement?

MS. BOECKER: I turned a card in my name is Sue Boecker.

COLONEL CARROLL: If we're going this way, I need to have your name clearly.

MS. BOECKER: I'll turn this in. It has my name and address. I turned in a card. My name is Sue Boecker. I'm a Ventura County resident and a former Ventura counselor and county planning commissioner.

I'm here to ask that the Army Corps not issue any permits for Ahmanson Ranch until a thorough and independent environmental impact study is done on the entire area that will be affected by this development. Washington Mutual's Ahmanson Ranch Company has not donated 10,000 acres of public open space. There will be no donation, a 10,000-acre donation. Rather the public has paid dearly for the open space that has been acquired. The 2,366 acres Ahmanson Ranch open space has been traded for the rights to own the water in Las Virgenes Creek as well as all of the water underneath the Ahmanson open space that was donated. So it's really not donated. It's traded.

The Corps must examine the value of that water as well as the value of the water to the people of the United States. In addition, September 22nd, 1998 letter to Ahmanson developer Guy Gniadek who Jeff Walker states the subdivision of Ahmanson is for the sell of land to the MRCA. Will there be additional payments or tax credits in addition to the water? The parklands being preserved are not the result of a generous donation. Page two of the Ahmanson Ranch Development Agreement says that the quote, "The MCRA will pay for the remaining 7,300 acres which includes Liberty Canyon, Jordan Ranch, Corral Canyon. To date, \$26,750,000 of cold hard cash has been thrown into parkland funds to pay for the 2,600 acres in Jordan Ranch and Liberty Canyon leaving nearly 4,700 acres in Corral Canyon and Runkle Ranch as yet unpaid for. The development agreement fails to suggest that other additional and as yet perhaps undisclosed public assets, possibly additional cash payments or massive tax credits, may hang in the balance here.

No public benefit exists as your staff report suggests. The benefit is in favor of the bank, not the people of the United States who have paid for and will continue to pay for every square inch of this 10,000 acres above open space. Would I be a hero if I sold my home to you? Certainly not. Neither is this massively environmentally damaging project, whose owners have greatly benefited from selling or trading this open space. Documentation to substantiate my statement is included. (The aforementioned document referred to is identified for purposes of the record in this public proceeding.)

MR. TAGUIRE: My name is Nick Taguire. I did submit a card and I did talk to the Corps regarding this hearing.

I am the executive director of Concerned Citizens of Thousand Oaks. You know, we've had problems like the dam. We recently won a Victory on the Hill Canyon destruction thanks to the help of the Army Corps. I noticed the politicians were allowed to speak early on and the citizens had to leave. These politicians, it is their job to fight for the citizens' rights but citizens who have given up their time on Saturday, they should have been allowed to speak earlier. I do appreciate you've given us the time to speak.

When I came from Thousand Oaks I saw a sign that said that there is going to be a development. The sign said that this is going to be a zone change. A lady earlier on spoke that the issue before the Army Corps is five acres. I want to say this is not a matter of five acres. This is an attack on the Los Angeles way of life. As an immigrant who has lived here since 1971, people have been complaining about the drive-time. Last month on a rainy day I spent four and a half hours commuting back and forth on my job. There was a complaint about the young people standing outside with the signs that they will not have homes. The reason people live here is the quality of life here. You are lucky that you never had to defend the homeland of your country. Defend us and at a minimum ask for an EIS. I'm used to EIRs but we need an environmental statement at a minimum on these issues that have been raised which are legitimate and are an attack on the way of life for Los Angeles and Ventura residents. At a minimum, bring the statement and give us an opportunity to have an impartial hearing. Thank you very much.

MS. NELSON: Colonel, my name is Susan Nelson. I am president of the Friends for the Santa Monica Park and Seashore. In 1963 we organized a great seashore in mountain park which has come to be about 70,000 acres in the Santa Monica Mountains. The Ahmanson is the size of Malibu Creek State Park, Point Mugu State Park and Topanga though we're not there. Today I'm asking that there be no permit given to Ahmanson or to Washington Mutual that they come to the table and they are big financiers' and they talk about and negotiate a fair price for the property. I say that because FEMA which you use a lot of FEMA money does all these projects that you do and we should be getting good FEMA money in here through the state to buy out Washington Mutual.

One of the most recent people to testify talked about all the shenanigans with the reservation conservancy. This is little bits of money being funneled through our group that we've established. We need a big chunk in here. This is a catastrophe. Treat it as a catastrophe and buy them out. Thanks.

MS. COLETTE: Hi. My name is Francis Colette. I'm a resident of Calabasas. Thank you first of all for going into overtime in order to listen to all of us.

Today we've heard compelling evidence that this issue warrants further investigation. There's so much at stake in this area. Several communities have come together here to basically beg you that you conduct a full environmental impact study considering all of the on-site and off-site consequences of this development. The negative effects of this development will be irreversible. Once it's built, you can't go back. Once the spineflower and other endangered species are gone for good, are we going to be lucky enough to find them again in 50 years? We got lucky enough with the spineflower. I bet we're not going to be that lucky again. Is this the legacy we're going to leave for the children? This is not the legacy I want to leave for my daughter. In closing, I want to let Washington Mutual know that I am a Washington Mutual account holder. I will be visiting my local branch on Monday morning and transferring my funds elsewhere and I urge everybody else that has an account there to do the same. Thank you.

MR. KAMALI: Hi. My name is Nancy Kamali. I represent myself. Today when I left my house, I brought both the little pamphlets with the address to come to this meeting and I also printed out a list of home sales in the area to look for new homes. We've lived right off Thousand Oaks Boulevard and Las Virgenes where they plan to go extend Thousand Oaks Boulevard. I have two little girls. We moved to this area three years ago. My husband commutes two and a half, three hours a day. He works near LAX but we moved here so we could have some type of decent lifestyle for our kids. It's overwhelming to think what they are doing bringing 40,000 cars through our neighborhoods which are divided. There's an elementary school a block away from my house. Kids have to walk across Thousand Oaks Boulevard to go to school. As you're coming from the park where they want to extend it and the traffic would be flowing from Ahmanson, it's a blind curve. These cars are going to be speeding through there on a daily basis and one of our kids is going to be hit and killed by one of these cars. Also, I've gone to two of the planning meetings down in Los Angeles for the removal of the oak trees. At one of the planning meetings Steve Weston who is an attorney for Ahmanson, he described Calabasas as Calabasas is south of the 101 Freeway and then there's estates on the hill. He didn't disclose that there's our neighborhood in the middle of everything. We're the ones most affected by Ahmanson Ranch as far as Calabasas. So he was trying to tell the planning commission this is Calabasas on the south side and totally neglected our neighborhood which is probably one of the less wealthy neighborhoods in Calabasas. So I think he didn't think anybody would be there to have a voice for our neighborhood. Also another planning commission, it seems like Ahmanson -- they were trying to tell L.A. City Planners that they didn't have jurisdiction. It seems they want to break this project into small groups and tell everybody they don't have jurisdiction hoping that nobody will have the right to stop them. You know, it just seems like a game. It seems like they are just saying it's not your jurisdiction. Someone else should deal with it. Someone in Ventura County is probably saying the same thing to them.

I want to let you know we're very concerned. We moved here for my kids. We lived in a densely populated place in Los Angeles that wasn't that safe. We don't have the best lifestyle but at least we do have a good lifestyle for our kids. So I hope you review this and do the best for everybody involved. Thank you.

MS. MOWER: Hi. My name is Mary Sue Mower. I'm a Calabasas mother. I want to first thank you for extending the hearing and listening to us diehards.

I would like to reiterate the obvious need for a full environmental impact statement based on the new information about the Rocketdyne contamination as well as the projects threatening to the ones considered extinct, the San Fernando spineflower and red-legged frog. My primary concern is the potential devastation to the Malibu watershed and the Santa Monica Bay from the monster project's urban runoff.

Before I began raising a family, I spent a portion of my career cleaning up pollution in the Santa Monica Bay. I worked for the Santa Monica Bay Restoration Project under the Clean Water Act Program financed and managed by the EPA who's mission was to protect and restore a plan to Santa Monica Bay. I also worked for the City of Los Angeles as a consultant and I also worked alongside Heal the Bay coordinating the coastal commission's annual clean-up date.

I'm telling you this because I've seen millions and millions of tax dollars in local, state and Federal programs go towards improving and protecting the water quality of the bay and its beaches. I've seen thousands of government employees and an army of local volunteers work tirelessly together towards the same goal of improving our base water quality. Let's not move backwards. If this project is permitted to move forward, we will witness a travesty of waste, a waste of valuable tax dollars and clean up programs, wasted hours of good old-fashioned volunteerism and a wasted Malibu watershed in Santa Monica Bay. It almost sounds like an environmental crime.

In closing, I would like to present you with a copy of a letter that I sent to President Carry Killinger of Washington Mutual Bank. On Thursday I closed the account of my three young sons. The irony of having my children save their hard-earned money in a bank that is wasting mine and yours was just too much for me. Thank you.

MS. SHARMAIN: Good afternoon Colonel, I'm Sharmain and I'm the member of the El Camino Environmental Fund.

First thing I would like to say for those at Washington Mutual, let's not forget that plans have a way of changing due to complications. Nothing ever works out exactly as you want it. There's always going to be something that's going to jump out of nowhere and going to ruin their plan. So something will have to happen that will endanger their future plans right now.

To one of the men who commented on Belmont High School in L.A., \$3 million dollars went into that school and it was a school that over 3,000 students would be attending. Now, instead they have to go to local schools which there aren't enough room for. And that closed because of environmental reasons because it had dangerous chemicals with toxic materials and now with the Ahmanson Ranch the exact same thing is happening. If you wouldn't let your children go to Belmont School where they would be endangered by these toxic wastes, why would you let them live there? Why would you let your kids move to Ahmanson Ranch with the family when they would be exposed to the exact same problems exposed at Belmont High School. Thank you.

MS. O'HARA: My name is Debbie O'Hara. I'm a Ventura County resident. I have two points. I'll make them real quick.

First, I can't understand why Ahmanson Ranch Company's legal representation is not supporting an EIS. If they have nothing to hide then why aren't they doing it?

Secondly, I'd like to direct this to the Corps that I think the time has come for our governments to rethink the attitudes that have prevailed with respect to how we view our major cities. Our great city should not be considered hopeless concrete jungles for the sake satisfying population project and increased tax revenues. I support all of the public officials with the exception of the Ventura County Public Works director insisting on an environmental statement and I also support the movement to protect this property as open space. Thank you.

MR. SIMON: Colonel, my name is Norm Simon. I want to thank you for taking the time to come out here and running over and over. I don't have a whole lot to add to everything that's been said. I just want to comment.

Washington Mutual purchased Home Savings which is the originator for this whole project. It looks like they have a problem with the acquisition. Maybe they don't know what to do with it. Maybe they will eventually do the right thing with it.

I live in Woodland Hills and we would be affected very much by the traffic, pollution and everything else that has been covered to a certain degree. I want this to be an appeal for common sense. Everyone here from the under-20's to over-70's and everyone in between has appealed for a full EIS and Washington Mutual, if you don't have anything to fear from the EIS, then why are you fighting it? Thank you for your time.

MS. WARDEN: My name is Mary Warden. I live one block south of Thousand Oaks Boulevard in Calabasas. We are affected very much. Already Thousand Oaks Boulevard has been widened and paved. We've had several meetings in our city with regards to what we wanted to have happen on that street since my backyard is up against it. There were discussions about streetlights. There were discussions about where the sidewalks were going to go, et cetera, et cetera.

I want to invite you to come to our neighborhood and see what's happening there before Ahmanson even starts. You can't take their word for everything. They don't respect anything. We now have streetlights on both sides of the street where we had no streetlights. They are on both sides of the street where there are no houses. Our backyard is lit up like a Christmas tree every night. It shines through our bedroom windows. We didn't ask for that. We don't want it.

I have lived here since 1973. My children caught pollywogs down on Las Virgenes Creek. On Las Virgenes Road, there is a lot of work going on due to 126 homes they are building there that L.A. County approved. We're having to put up with the dirt, the dust, the noise, the trucks, the pollution. Come and visit us. See what it's like now. Imagine what it's going to be like when they build 3000 homes and tear the hills down. You should see what it has done to the hills and trees. The beautiful oak trees are gone. They have put some of them in buckets and they are dying. There are dozens of small, very small construction projects and those trees are dying. And they are not going to be replaced. You should see how they have leveled that and the ground is unstable. From the earthquake alone I had \$60,000 worth of damage due to the moving of the land. What's going to happen to those homes when they are built?

The frogs are gone. The rabbits are gone. The coyotes are gone. The deer are gone. And even though those are endangered species and they say they are going to protect them, I guarantee you they will be gone. You can't replace a natural habitat with concrete. It can't happen. It won't happen. Come and visit. See for yourself what happens when the neighborhood is destroyed. Thank you.

UNKNOWN SPEAKER: (Name was in audible) I've been a resident of West Hills since 1961. I'm a mother and a grandmother.

My primary concern among many concerns is exposure to contaminants and possible seepage from the Rocketdyne Field Lab to the Ahmanson Development Land. We have a lot of cancer in the area and a lot of people aren't aware of this but in the West Hills and surrounding areas. Last May when I was in the post office discussing this, a man introduced himself and said that he had eight surgeries for bladder cancer and ultimately lost his bladder. He believes he was a victim of the Rocketdyne contamination. In July at a meeting sponsored by Rocketdyne to transport 3,200 cubic yards of contamination out of the Santa Susana site to Kettleman City, I heard a woman who also had bladder cancer speak. She lived in the Wasco area. I spoke to my doctor about this and he said he was aware there was a high incident of bladder cancer in the area. In fact the first gentleman who lost his bladder said it was an area of high incident of bladder cancer in the United States. He told me that there was a study conducted at UCLA about this. The lady said that it's one thing to show that there's a lot of cancer but another thing to prove what caused it. There is a crying need for an objective comprehensive study of the soil and an EIR. Thank you very much.

MR. LARSON: My name is Dan Larson. I'm a resident of Topanga. I think you should prepare an environmental assessment at minimum. If not, an EIS. You should look into the traffic problems caused by the project. I've been on the Ventura Freeway Corridor Program for at least a year now and the traffic is going to be horrendous with 3,000 houses. There's no question about that. But my suggestion to you is to get the vote of Cal Trans immediately and find out whether they need a new updated traffic study which I believe they do. I would absolutely say uncategorically that they do since it's been eight years. Now we know somewhat what the amount of houses are going to be.

Number two, this has been brought up before. The downstream erosion caused by the impervious surfaces of 3,000 houses, a couple of golf courses, roads, it all increases the amount of water and more importantly for downstream, the velocity of water. Therefore, just on those accounts we should have an EIS. Thank you.

MR. HELSEY: I'm Hal Helsey. I've been a resident since 1965. I would like to thank you for being here. I would like to particularly thank Congressmen Sherman and his staff for arranging this for the community.

Your purpose is to decide whether a 404 permit is applicable or appropriate for this. I realize that you enforce the Environmental Protection Agency Clean Water Act. I think that you have to take a look at what's going to be happening as it relates to the Environmental Protection Agency guidelines and its water concerns.

Having lived here for a long period of time, the mountains have changed a great deal. We know they are going to develop. It's going to be a continuing process. But when it becomes a great detriment to the community, you as a government agency and our representatives need to step in. I think you have seen the position that there is a lot of feeling that this is contrary to the public interest and that's one of the things that you have to decide whether the 404 permit is in benefit to the district or to the public or is contrary to public interest. I think you've seen a portion of that, so I highly urge you to take a full EIS and not grant the 404 permit. I'll leave written materials.

One area that hasn't been discussed that you need to consider is the Regional Water Quality Control Board has indicated that the flow of water in Malibu Creek is a problem and that they banned their waste water treatment facilities to place the water in the creek for seven months of the year. This is a fair amount of time in this area. The 404 permit if it were granted would make this problem more difficult and it would be against the other agencies in the State of California as they relate to trying to improve the water quality of this area. Thank you for being here. Thank you for Congressman Sherman's support.

MR. WALLACE: Colonel and staff, my name is Don Wallace. I'm a retired fire captain and former deputy for L.A. County Supervisor.

More importantly, for my purpose here today, I was the former chairman of the Rocketdyne Clean Up Coalition, so I'm intimately familiar with the processes which occurred at the Rocketdyne, Santa Susana Field Laboratory. I'm here concerned that 30 years of chemicals and nuclear pollution from that operation directly with the Ahmanson has migrated off-site onto the Ahmanson Ranch Project. We know that chemicals and nuclear contaminants migrated off-site because they found both nuclear and chemical contamination on the property directly to the east and the north. And they solved that problem by buying out the university. They bought the polluted site. Well, no one has ever studied the Ahmanson Ranch Property for these contaminants except the hired guns for Ahmanson for Washington Mutual.

The very reason that we are here today is to ask that you take over the site and test these properties for these contaminants. It's critical that you require a full EIS for this site and call on other affected governmental agencies, Federal agencies, including the EPA to assess the affects of this proposed project on the National Environmental Protection Acts, the Endangered Species Acts, the Clean Air Acts, the Clean Water Acts, the Coastal Zone Management Acts.

It might just be that the cure for cancer and other deadly diseases is contained in the products or compounds produced by the spineflower that will protect your children and my children from these deadly diseases. If this project goes forward, if you issue the permit, we will not have an opportunity to evaluate the compounds in those endangered species that are on the Ahmanson property because you will have allowed them to destroy them.

I have been asked by a person who will to leave to place these videotapes about Ahmanson Ranch into the record. I ask your permission to do that now. I thank you for your time in listening to our comments. (The videotapes referred to were identified for purposes of the record in this public hearing.)

MR. KINSON: Good afternoon, Colonel. My name is Dr. Kinson. I'm a resident of Calabasas. I'm past president of the homeowners' association. The lady that talked about Thousand Oaks Boulevard, this is the area north of the freeway on Malibu Canyon. That homeowners' association is called Malibu Canyon Homeowners' Association. I first became involved with this project over ten years ago. I watched this project go through its various stages. For the purposes today I want to address the impact of coastal land which is a direct concern to this public hearing.

Subsequent to the California Environmental Quality Act, EIR, which was prepared in 1992, NPDES refused to grant a permit to the Las Virgenes Municipal Water District to inject recycled water into Malibu Creek because they determined it had an effect on Malibu Lagoon and its tidewater goby. Now this water is being injected quite close to this point and exact same considerations were made by the NPDES as are being made today and it would be inconsistent in those findings if it was determined that the Ahmanson Ranch had no effect on coastal commission land when the NPDES determined that recycled water, reclaimed water does in fact have impact on coastal commission land.

There's three things that affect the coastal commission land. There's runoff water. There's the injection of recycled water, both of those running down Malibu Creek and the traffic which is running down Malibu Canyon because this change in the traffic pattern has a considerable effect on traffic in the area. On those three things, I want the Army Corps of Engineers to consider the effects on those coastal lands.

Last, I want to say within the 10 or 11 years, I've watched this process, I have become aware that this project has already polluted the political process in the state. I've seen undue influence on officials and employed members of government. Maybe this shouldn't have reached the Army Corps of Engineers in a Federal case, but it has.

I want to thank the staff. I think it's a great thing today. I want to thank you, Colonel, and your fellow members of the board here. You've been quite outstanding and enough time sitting here listening to all of us. Thank you very much.

MS. LEAVEN: Good afternoon. Thank you so much for this opportunity and thank you for your patience. This has not been an easy process for you to sit through. We're grateful you have sat through all of us. My name is Carolyn Leaven and I'm a long-term member of the Ventura community. Our husband and I have been farming for 45 years. His family has been in agriculture since the turn of the century.

More than ten years ago when I was on the Board of Ventura County Economic Development Association which I'm past president. We were concerned about the way land issues were being addressed. Housing tracts were put in as land became available which worked to the long-range detriment to the community. We developed many approaches to the resolution including the description of a project which was careful of re-use traffic, air quality, employment and school issues plus waste removal and a host of other related things.

About this time I saw a presentation of the Ahmanson Company which frankly left me gasping. It demonstrated answers to the very concerns we have been studying and was done with such thoughtfulness despite the size of the project. Of course the size alone sets off much controversy in the process of downsizing, which you're familiar. Again, I would like to note the company's continuing concern for quality and an environmental gentleness and its generosity that is most praiseworthy. I really wonder how many people have addressed you today, have really examined this plan.

Most projected new housing is absolutely stopped unless it was already in the pipeline approve and in the city limits. The cost of housing which was already high has gone through the roof and affordable housing which our industry desperately needs is nearly nonexistent. Yet, here is this excellent project still waiting for approval. Air quality, water re-use, walking distances, bicycles to work, schools, shopping, lots of open space that will help create community. This project had it all. Most of what we've heard is I believe a thinly veiled desire to keep people way off and I'm here now to pull out the drawbridge syndrome. Most people will not stay here because there is not housing available. They will crowd together instead, a poorer quality of life and the things we seek to avoid will happen. Please approve the permit and let's get on with the enhancement, enjoyment and careful use of one of the loveliest places on earth. Thank you.

COLONEL CARROLL: I want to thank everybody who stuck it out and heard everything that was to be said. As congressman pointed out, there is no formal application at this time on new basis. I assure you that I think we're headed for another public meeting once we have a complete final application and we all have a chance to take a look at that. Thank you very much for coming.

(Whereupon the proceedings adjourned at 3:20 o'clock p.m.)

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